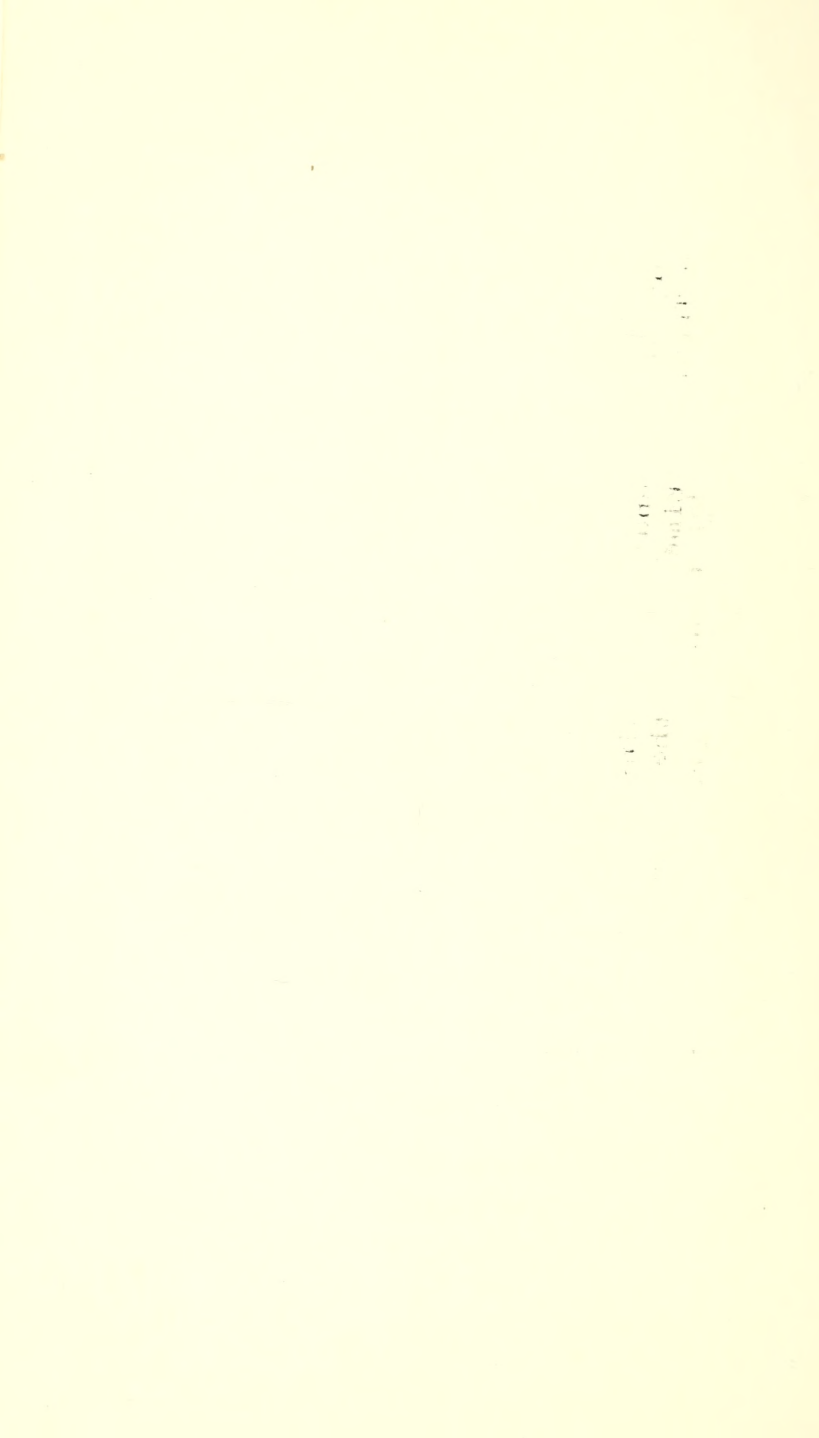




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A
HISTORY
OF THE
PENAL LAWS
AGAINST THE
IRISH CATHOLICS;

FROM THE TREATY OF LIMERICK
TO THE UNION.

BY HENRY PARNELL, Esq. M. P.

“ He felt it his duty to declare fully his sentiments on these points, because he looked upon his Roman Catholic brethren as fellow subjects and fellow Christians, believers in the same God, and partners in the same Redemption. Speculative differences in some points of faith from him, were of no account, they and he had but one religion—the religion of Christianity. Therefore, as children of the same father, as travellers in the same road, and seekers of the same salvation, why not love each other as brothers? It was no part of Protestantism to persecute Catholics, and without justice to the Catholics there could be no security for the Protestant Establishment.”

Vide Speech of Dr. Law, Bishop of Elphin, on the Catholic Bill of 1793.

“ If any one should contend that this is not the time for Government to make concessions to Ireland, I wish him to consider, whether there is any time in which it is improper, for either individuals or nations to do justice, any season improper for extinguishing animosity, any occasion more suitable than the present, for putting an end to heart-burnings, and internal discontent.”

Vide Speech intended to be spoken by Dr. Watson, Bishop of Landaff, November 23, 1803.

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1808.

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A

HISTORY

OF THE

PENAL LAWS,

&c. &c.

WILLIAM III.

WHEN James II. abdicated the throne of England, he retired to France, to solicit the aid of Louis XIV. to enable him to secure the possession of Ireland, where he was still acknowledged as the lawful sovereign. On the 12th of March, 1689, James landed at Kinsale with about 1200 of his own subjects in the pay of France, and 190 French officers. He was received with open arms, and the whole country seemed to be devoted to him, for although the protestants in the north had declared for the new government, their strength and number were inconsiderable, when compared with the forces of the Lord Deputy Tyrconnel. This minister had disarmed all the other protestants in one day, and assembled an army of 30,000 foot, and 8,000 cavalry.* Addresses were poured in upon James from all orders of the people. The established clergy among the rest, congratulated him upon his arrival, a certain sign that his chance of success was not contemptible.

* Smollett, 1. 36.

James continued to govern Ireland, without any interruption from William, till the 13th of August,* when Schomberg landed at Belfast with an English army of 10,000 men. To oppose him, James collected his forces, amounting to 30,000, at Drogheda.† Schomberg who had arrived at Dundalk, thought it prudent to advance no farther; and instead of reducing Ireland, after having lost one half of his army by sickness, he at the end of the campaign was under the necessity of entrenching himself against an enemy, which he had been taught in England to despise, and of confining his operations to the protection of the northern province.‡

On the 14th of June in the year following, William landed with reinforcements at Carrickfergus. His military genius, as well as the distracted state of England, and the formidable preparations of France, inclined him to a vigorous prosecution of the war in Ireland.§ He advanced towards Dublin with an army of 36,000 men. James collected his forces amounting to 33,000 at Drogheda, and by an unaccountable infatuation resisted the advice of his general officers, to act on the defensive against William; who would then have had to contend, at the same time, against a threatened foreign invasion of Britain, the insurrection which his own subjects were plotting, and the difficulty of maintaining his Irish army in an unfriendly climate, without provisions or succours.

Though William obtained a decided victory at the Boyne, the Irish army had fought with courage and obstinacy; and, in consequence of having at one time repulsed the centre of the English

* Leland, v. 3, b. 6. c. 6. + Ib. † Ib. § Ib.

army,

army, were able to retire in good order, with the loss of only 1500 men.* The subsequent defeat of General Douglas before Athlone, and of William himself before Limerick, left James, at the end of the campaign, in possession of nearly one half of Ireland, and well supported by an army inured to war, and commanded by able and experienced generals. William experienced still greater embarrassments on the continent and in England. A victory had been gained by Luxemburgh, in Flanders, over Prince Waldeck and the confederate army; Tourville had defeated the united fleets of England and Holland; and great dejection and discontent were visible among all his British subjects.

William having returned to England in the autumn of 1690, General Ginckle, with an army inferior to that of St. Ruth, who now commanded the Irish forces, commenced the campaign by the capture of the fort of Baltimore. Having afterwards taken Athlone, and defeated St. Ruth at the battle of Aughrim, he laid siege to Limerick on the 25th of August, 1691. The fortifications had been strengthened since William was repulsed before it in the preceding year; the garrison was healthy, well supplied, and in numbers equal to the assailants, and strong succours were daily expected from France.† The besiegers, on the other hand, were too few for the undertaking, the season of the year was far advanced, and they had no expectations of receiving any reinforcements.

Week passed away after week without Ginckle's obtaining any advantage over the besieged; at length he made a lodgment on the opposite side of

* Leland, v. 3. b. 6. c. 6.

† Ib.

the Shannon: But, notwithstanding this success, it was debated whether the siege should be carried on, or converted into a blockade; such were the difficulties foreseen in reducing the town. It was dangerous for the besiegers to continue in their present station on the approach of winter, and hazardous to divide an army sufficient only for assailing the town on one side; and yet the only effectual way of reducing it was to invest it on all sides, by cutting off the garrison from all intercourse with the county of Clare.*

William, in the mean time, was so sensible of the necessity of obtaining the surrender of the Irish army, in order to secure his newly acquired throne, and the success of the revolution, that he sent instructions to the lords justices to issue a proclamation, offering to the Catholics still more liberal terms than those which they afterwards accepted; and he gave Ginckle urgent directions to terminate the war on any conditions.† Fortunately, however, for William and the revolution party, but most unfortunately, as events have since proved, for the Catholics, the garrison of Limerick beat a parley on the 29th day of the siege. A cessation of three days was granted; and, on the last day of it, the Irish generals proposed terms of capitulation. They required an act of indemnity for all past offences, with a full enjoyment of the estates they possessed

* Leland, v. 3. b. 6. c. 6.

† Leland, v. 3. b. 6. c. 6. and Harris's Life of William, p. 372.

This was called the secret proclamation, because, though printed, it never was published, in consequence of the Lords Justices being informed of the inclination of the garrison to treat for their surrender.

before the present revolution, freedom for the Catholic worship, with an establishment of one Romish ecclesiastic in each parish. They also required, that Catholics should be declared fully qualified for every office, civil and military; that they should be admitted into all corporations; and, that the Irish army should be kept up and paid in the same manner with the king's other troops, provided they were willing to serve.* Ginckle refused to accede to their proposal; but being desired to offer such terms as he could grant, he consented to conditions which were accepted by the garrison, and which are contained in the following civil and military articles.

Three days after they were signed, the French fleet arrived in Dingle Bay.†

THE CIVIL AND MILITARY ARTICLES OF LIMERICK,

Exactly printed from the Letters Patent, wherein they are ratified and exemplified by their Majesties, under the Great Seal of England.‡

GULIELMUS & Maria Dei gratia, Anglæ, Scotiæ, Franciæ & Hiberniæ, rex et regina, fidei defensores, &c. Omnibus ad quos presentes literæ nostræ pervenerint salutem: inspeximus irrotulament. quarund. literarum patentium de confirmatione, geren. dat. apud Westmonasterium vicemo quarto die Februarii, ultimi præteriti in cancellar. nostr. irrotulat. ac ibidem de recordo remanem. in hæc verba. William and Mary, by the grace of God, &c. To all to whom these presents shall come, greeting.

* Leland, v. 3, b. 6. c. 6.

† See Note A.

‡ The date of the ratification of these articles, is 5th of April, 1692, that is four years after their majesties had taken the coronation oath.

Whereas

Whereas certain articles, bearing date the third day of October last past, made and agreed on between our justices of our kingdom of Ireland, and our general of our forces there on the one part; and several officers there, commanding within the city of Limerick, in our said kingdom, on the other part. Whereby our said justices and general did undertake that we should ratify those articles, within the space of eight months or sooner; and use their utmost endeavours that the same should be ratified and confirmed in parliament. The tenor of which said articles is as follows, viz.

ARTICLES AGREED UPON THE THIRD DAY OF OCTOBER, ONE THOUSAND SIX HUNDRED AND NINETY-ONE.

Between the Right Honourable Sir Charles Porter, Knight, and Thomas Coningsby, Esq. Lords Justices of Ireland; and his Excellency the Baron De Ginckle, Lieutenant General and Commander in Chief of the English army; on the one Part.

And the Right Honourable Patrick Earl of Lucan, Piercy, Viscount Gallmoy, Colonel Nicholas Purcel, Colonel Nicholas Dusack, Sir Toby Butler, Colonel Garret Dillon, and Colonel John Brown; on the other Part:

In the behalf of the Irish Inhabitants in the City and County of Limerick, the Counties of Clare, Kerry, Cork, Sligo, and Mayo.

In consideration of the Surrender of the City of Limerick, and other Agreements made between the said Lieutenant General Ginckle, the Governor of the City of Limerick, and the Generals of the Irish army, bearing date with these Presents, for the Surrender of the City, and Submission of the said Army: it is agreed, That,

I. THE Roman Catholics of this kingdom shall enjoy such privileges in the exercise of their religion, as are consistent

consistent with the laws of Ireland ; or as they did enjoy in the reign of King Charles the Second : and their Majesties, as soon as their affairs will permit them to summon a Parliament in this kingdom, will endeavour to procure the said Roman Catholics such farther security in that particular, *as may preserve them from any disturbance upon the account of their said religion.*

II. All the inhabitants or residents of Limerick, or any other garrison now in the possession of the Irish, and all officers and soldiers, now in arms, under any commission of King James, or those authorised by him, to grant the same in the several counties of Limerick, Clare, Kerry, Cork, and Mayo, or any of them ; and all the commissioned officers in their Majesties' quarters, that belong to the Irish regiments now in being, that are treated with, and who are not prisoners of war, or have taken protection, and who shall return and submit to their Majesties' obedience ; and their and every of their heirs, shall hold, possess, and enjoy, all and every their estates of freehold and inheritance ; and all the rights, titles and interest, privileges and immunities, which they, and every or any of them held, enjoyed, or were rightfully and lawfully entitled to in the reign of King Charles II. or at any time since, by the laws and statutes that were in force in the said reign of King Charles II. and shall be put in possession, by order of the government, of such of them as are in the King's hands, or the hands of his tenants, without being put to any suit or trouble therein ; and all such estates shall be freed and discharged from all arrears of crown rents, quit rents, and other public charges, incurred and become due since Michaelmas 1688, to the day of the date hereof : and all persons comprehended in this article, shall have, hold, and enjoy all their goods and chattles, real and personal, to them, or any of them belonging, and remaining either in their own hands, or in the hands of any persons whatsoever, in trust for, or for the use of them, or any of them : and all, and every the said persons, of what profession, trade, or calling soever they be, shall and may use, exercise, and practise their several and respective professions, trades and callings, as freely as they did use, exercise, and enjoy the same in the reign of King Charles II.

provided

provided that nothing in this article contained, be construed to extend to, or restore any forfeiting person now out of the kingdom, except what are hereafter comprised; provided also, that no person whatsoever shall have or enjoy the benefit of this article, that shall neglect or refuse to take the oath of allegiance,* made by act of Parliament in England, in the first year of the reign of their present Majesties, when thereunto required.

III. Ali merchants, or reputed merchants of the city of Limerick, or of any other garrison now possessed by the Irish, or of any town or place in the counties of Clare or Kerry, who are absent beyond the seas, that have not bore arms since their Majesties declaration in February 1688, shall have the benefit of the second article, in the same manner as if they were present; provided such merchants, and reputed merchants, do repair into this kingdom within the space of eight months from the date hereof.

IV. The following officers, viz. Colonel Simon Lutterel, Captain Rowland White, Maurice Eustace of Yermans-town, Chieveas of Maystown, commonly called Mount-Leinster, now belonging to the regiments in the aforesaid garrisons and quarters of the Irish army, who were beyond the seas, and sent thither upon affairs of their respective regiments, or the army in general, shall have the benefit and advantage of the second article, provided they return hither within the space of eight months from the date of these presents, and submit to their Majesties government, and take the above-mentioned oath.

V. That all and singular the said persons comprised in the second and third articles, shall have a general pardon of all attainders, outlawries, treasons, misprisions of treason, premunires, felonies, trespasses, and other crimes and misdemeanors whatsoever, by them, or any of them, committed since the beginning of the reign of King James II. and if any of them are attainted by Parliament,

* I A. B. do sincerely promise and swear, that I will be faithful, and bear true Allegiance to their Majesties King William and Queen Mary. So help me God.

the

the Lords Justices, and General, will use their best endeavours to get the same repealed by Parliament, and the outlawries to be reversed gratis, all but writing-clerks fees.

VI. And whereas these present wars have drawn on great violences on both parts; and that if leave were given to the bringing all sorts of private actions, the animosities would probably continue that have been too long on foot, and the public disturbances last: for the quieting and settling therefore of this kingdom, and avoiding those inconveniences which would be the necessary consequence of the contrary, no person or persons whatsoever, comprised in the foregoing articles, shall be sued, molested, or impleaded at the suit of any party or parties whatsoever, for any trespasses by them committed, or for any arms, horses, money, goods, chattles, merchandizes, or provisions whatsoever, by them seized or taken during the time of the war. And no person or persons whatsoever, in the second or third articles comprised, shall be sued, impleaded, or made accountable for the rents or mean rates of any lands, tenements, or houses, by him or them received, or enjoyed in this kingdom, since the beginning of the present war, to the day of the date hereof, nor for any waste or trespass by him or them committed in any such lands, tenements, or houses: and it is also agreed, that this article shall be mutual and reciprocal on both sides.

VII. Every nobleman and gentleman comprised in the said second and third articles, shall have liberty to ride with a sword and case of pistols, if they think fit; and keep a gun in their houses, for the defence of the same, or for fowling.

VIII. The inhabitants and residents in the city of Limerick, and other garrisons, shall be permitted to remove their goods, chattles and provisions, out of the same, without being viewed and searched, or paying any manner of duties, and shall not be compelled to leave the houses or lodgings they now have, for the space of six weeks next ensuing the date hereof.

IX.

IX. The oath to be administered to such Roman Catholics as submit to their Majesties Government, shall be the oath abovesaid, and no other.

X. No person or persons who shall at any time hereafter break these articles, or any of them, shall thereby make, or cause any other person or persons to forfeit or lose the benefit of the same.

XI. The Lords Justices and General do promise to use their utmost endeavours, that all the persons comprehended in the abovementioned articles, shall be protected and defended from all arrests and executions for debt or damage, for the space of eight months next ensuing the date hereof.

XII. Lastly, the Lords Justices and General do undertake, that their Majesties will ratify these articles within the space of eight months, or sooner, and use their utmost endeavours that the same shall be ratified and confirmed in Parliament.

XIII. And whereas Colonel John Brown stood indebted to several Protestants, by judgments of record, which appearing to the late Government, the Lord Tyrconnel, and Lord Lucan, took away the effects the said John Brown had to answer the said debts, and promised to clear the said John Brown of the said debts; which effects were taken for the public use of the Irish, and their army: for freeing the said Lord Lucan of his said engagement, past on their public account, for payment of the said Protestants, and for preventing the ruin of the said John Brown, and for satisfaction of his creditors, at the instance of the Lord Lucan, and the rest of the persons aforesaid, it is agreed, that the said Lords Justices, and the said Baron De Ginckle, shall intercede with the King and Parliament, to have the estates secured to Roman Catholics, by articles and capitulation in this kingdom, charged with, and equally liable to the payment of so much of the said debts, as the said Lord Lucan, upon stating accounts with the said John Brown, shall certify under his hand, that the effects taken from the said Brown amount unto; which account

compt is to be stated, and the balance certified by the said Lord Lucan in one and twenty days after the date hereof:

For the true performance hereof, we have hereunto set our hands,

Present,
SCRAVENMORE.
H. MACCAY.
T. TALMASH.

CHAR. PORTER.
THOS. CONINGSBY.
BAR. DE GINCKLE.

AND whereas the said city of Limerick hath been since, in pursuance of the said articles, surrendered unto us. Now know ye, that we having considered of the said articles, are graciously pleased hereby to declare, *that we do for us, our heirs, and successors, as far as in us lies, ratify and confirm the same, and every clause, matter, and thing therein contained.*—And as to such parts thereof, for which an act of Parliament shall be found to be necessary, we shall recommend the same to be made good by Parliament, and shall give our royal assent to any bill or bills that shall be passed by our two houses of Parliament to that purpose. And whereas it appears unto us, that it was agreed between the parties to the said articles, that after the words, Limerick, Clare, Kerry, Cork, Mayo, or any of them, in the second of the said articles, the words following, viz. “And all such as are under their protection in the said counties,” should be inserted, and be part of the said articles. Which words having been casually omitted by the writer, the omission was not discovered till after the said articles were signed, but was taken notice of before the second town was surrendered: and that our said justices and general, or one of them, did promise that the said clause should be made good, it being within the intention of the capitulation, and inserted in the foul draft thereof. Our further will and pleasure is, and we do hereby ratify and confirm the said omitted words, viz. “And all such as are under their protection in the said counties,” hereby for us, our heirs and successors, ordaining and declaring, that all and every person and persons therein concerned, shall and may have, receive, and enjoy the benefit thereof, in such and the same manner, as if the said words had been
inserted

inserted in their proper place, in the said second article; any omission, defect, or mistake in the said second article, in any wise notwithstanding. Provided always, and our will and pleasure is, that these our letters patents shall be enrolled in our court of Chancery, in our said kingdom of Ireland, within the space of one year next ensuing. In witness, &c. witness ourself at Westminster, the twenty-fourth day of February, anno regni regis & reginæ Gulielmi & Mariæ quarto per breve de privato sigillo. Nos autem tenorem premissor. predict. Ad requisitionem attorney general. domini regis & dominæ reginæ pro regno Hiberniæ. Duximus exemplificand. per presentes. In cujus rei testimonium has litteras nostras fieri fecimus patentes. Testibus nobis ipsis apud Westmon. quinto die Aprilis, annoq. regni eorum quarto.

BRIDGES.

Examinat. {	S. KECK.	} In Cancel.
per nos {	LACON WM. CHILDE.	

Military Articles agreed upon between the Baron de Ginckle, Lieutenant-General, and Commander in Chief of the English army, on the one side—

And the Lieutenant-Generals De Ussoon and De Tesse, Commanders in Chief of the Irish army, on the other; and the General Officers hereunto subscribing.

I. THAT all persons, without any exceptions, of what quality or condition soever, that are willing to leave the kingdom of Ireland, shall have free liberty to go to any country beyond the seas (England and Scotland excepted) where they think fit, with their families, household-stuff, plate, and jewels.

II. That all general officers, colonels, and generally all other officers of horse, dragoons, and foot guards, troopers, dragooners, soldiers of all kinds that are in any garrison, place, or post, now in the hands of the Irish, or encamped in the counties of Cork, Clare, and Kerry, as also those called Rapparees, or volunteers, that are willing to go beyond seas as aforesaid, shall have free leave to embark themselves

themselves wherever the ships are that are appointed to transport them, and to come in whole bodies as they are now composed, or in parties, companies, or otherwise, without having any impediment, directly or indirectly.

III. That all persons above-mentioned, that are willing to leave Ireland and go into France, shall have leave to declare it at the times and places hereafter mentioned, viz. the troops in Limerick, on Tuesday next in Limerick; the horse at their camp on Wednesday, and the other forces that are dispersed in the counties of Clare, Kerry, and Cork, on the 8th instant, and on none other, before Monsieur Tameron, the French intendant, and Colonel Withers; and after such declaration is made, the troops that will go into France must remain under the command and discipline of their officers that are to conduct them thither; and deserters of each side shall be given up, and punished accordingly.

IV. That all English and Scotch officers that serve now in Ireland, shall be included in this capitulation, as well for the security of their estates and goods in England, Scotland, and Ireland, (if they are willing to remain here), as for passing freely into France, or any other country to serve.

V. That all the general French officers, the intendant, the engineers, the commissaries at war, and of the artillery, the treasurer, and other French officers, strangers, and all others whatsoever, that are in Sligo, Ross, Clare, or in the army, or that do trade or commerce, or are otherways employed in any kind of station or condition, shall have free leave to pass into France, or any other country, and shall have leave to ship themselves, with all their horses, equipage, plate, papers, and all their effects whatever; and that General Ginckle will order passports for them, convoys, and carriages, by land and water, to carry them safe from Limerick to the ships where they shall be embarked, without paying any thing for the said carriages, or to those that are employed therein, with their horses, cars, boats, and shallops.

VI. That

VI. That if any of the aforesaid equipages, merchandize, horses, money, plate, or other moveables, or household stuff belonging to the said Irish troops, or to the French officers, or other particular persons whatsoever, be robbed, destroyed, or taken away by the troops of the said General, the said General will order it to be restored, or payment to be made according to the value that is given in upon oath by the person so robbed or plundered: and the said Irish troops to be transported as aforesaid: and all other persons belonging to them, are to observe good order in their march and quarters, and shall restore whatever they shall take from the country, or make restitution for the same.

VII. That to facilitate the transporting the said troops, the General will furnish fifty ships, each ship's burthen two hundred tons; for which, the persons to be transported shall not be obliged to pay, and twenty more, if there shall be occasion, without their paying for them; and if any of the said ships shall be of lesser burthen, he will furnish more in number to countervail; and also give two men of war to embark the principal officers, and serve for a convoy to the vessels of burthen.

VIII. That a commissary shall be immediately sent to Cork to visit the transport ships, and what condition they are in for sailing: and that as soon as they are ready, the troops to be transported shall march with all convenient speed, the nearest way, in order to embark there: and if there shall be any more men to be transported than can be carried off in the said fifty ships, the rest shall quit the English town of Limerick, and march to such quarters as shall be appointed for them, convenient for their transportation, where they shall remain till the other twenty ships be ready, which are to be in a month; and may embark on any French ship that may come in the mean time.

IX. That the said ships shall be furnished with forage for horse, and all necessary provisions to subsist the officers, troops, dragoons, and soldiers, and all other persons that are shipped to be transported into France; which
provisions

provisions shall be paid for as soon as all are disembarked at Brest or Nantz, upon the coast of Brittany, or any other port of France they can make.

X. And to secure the return of the said ships (the danger of the seas excepted) and payment for the said provisions, sufficient hostages shall be given.

XI. That the garrisons of Clare-castle, Ross, and all other foot that are in garrisons in the counties of Clare, Cork, and Kerry, shall have the advantage of this present capitulation; and such part of those garrisons as design to go beyond seas, shall march out with their arms, baggage, drums beating, ball in mouth, match lighted at both ends, and colours flying, with all the provisions, and half the ammunition that is in the said garrisons, and join the horse that march to be transported; or if then there is not shipping enough for the body of foot that is to be next transported after the horse, General Ginckle will order that they be furnished with carriages for that purpose, and what provisions they shall want in their march, they paying for the said provisions, or else that they may take it out of their own magazines.

XII. That all the troops of horse and dragoons, that are in the counties of Cork, Kerry, and Clare, shall also have the benefit of this capitulation; and that such as will pass into France, shall have quarters given them in the counties of Clare and Kerry, apart from the troops that are commanded by General Ginckle, until they can be shipped; and within their quarters they shall pay for every thing, except forage and pasture for their horses, which shall be furnished gratis.

XIII. Those of the garrison of Sligo that are joined to the Irish army, shall have the benefit of this capitulation; and orders shall be sent to them that are to convey them up, to bring them hither to Limerick the shortest way.

XIV. The Irish may have liberty to transport nine hundred horse, including horses for the officers, which shall be transported gratis: and as for the troopers
that

that stay behind, they shall dispose of themselves as they shall think fit, giving up their horses and arms to such persons as the General shall appoint.

XV. It shall be permitted to those that are appointed to take care for the subsistence of the horse, that are willing to go into France, to buy hay and corn at the King's rates wherever they can find it, in the quarters that are assigned for them, without any let or molestation, and to carry all necessary provisions out of the city of Limerick ; and for this purpose, the General will furnish convenient carriages for them to the places where they shall be embarked.

XVI. It shall be lawful to make use of the hay preserved in the stores of the county of Kerry, for the horses that shall be embarked ; and if there be not enough, it shall be lawful to buy hay and oats wherever it shall be found, at the King's rates.

XVII. That all prisoners of war, that were in Ireland the 28th of September, shall be set at liberty on both sides ; and the General promises to use his endeavours, that those that are in England and Flanders shall be set at liberty also.

XVIII. The General will cause provisions and medicines to be furnished to the sick and wounded officers, troopers, dragoons, and soldiers of the Irish army, that cannot pass into France at the first embarkment ; and after they are cured, will order them ships to pass into France, if they are willing to go.

XIX. That at the signing hereof the General will send a ship express to France ; and that besides, he will furnish two small ships of those that are now in the river of Limerick, to transport two persons into France that are to be sent to give notice of this treaty ; and that the commanders of the said ships shall have orders to put ashore at the next port of France where they shall make.

XX. That all those of the said troops, officers, and others, of what characters soever, that would pass into France,

France, shall not be stopped on account of debt, or any other pretext.

XXI. If, after signing this present treaty, and before the arrival of the fleet, a French packet-boat, or other transport-ship, shall arrive from France in any other part of Ireland, the General will order a passport, not only for such as must go aboard the said ships, but to the ships to come to the nearest port to the place where the troops to be transported shall be quartered.

XXII. That after the arrival of the said fleet, there shall be free communication and passage between it and the quarters of the above-said troops; and especially for all those that have passes from the chief commanders of the said fleet, or from Mons. Tameron, the Intendant.

XXIII. In consideration of the present capitulation, the two towns of Limerick shall be delivered and put into the hands of the General, or any other person he shall appoint, at the time and days hereafter specified, viz. the Irish town, except the magazines and hospital, on the day of the signing of these present articles; and as for the English town, it shall remain, together with the island, and the free passage of Thomond-bridge, in the hands of those of the Irish army that are now in the garrison, or that shall hereafter come from the counties of Cork, Clare, Kerry, Sligo, and other places above-mentioned, until there shall be convenience found for their transportation.

XXIV. And to prevent all disorders that may happen between the garrison that the General shall place in the Irish town, which shall be delivered to him, and the Irish troopers that shall remain in the English town and the island (which they may do, until the troops to be embarked on the first fifty ships shall be gone for France, and no longer;) they shall entrench themselves on both sides, to hinder the communication of the said garrisons; and it shall be prohibited on both sides, to offer any thing that is offensive; and the parties offending shall be punished on either side.

XXV. That it shall be lawful for the said garrison to march out all at once, or at different times, as they can be embarked, *with arms, baggage, drums beating, match lighted at both ends, bullet in mouth, colours flying, six brass guns, such as the besieged will chuse, two mortar pieces, and half the ammunition that is now in the magazines of the said place*; and for this purpose an inventory of all the ammunition in the garrison, shall be made in the presence of any person that the General shall appoint, the next day after these present articles shall be signed.

XXVI. All the magazines of provisions shall remain in the hands of those that are now employed to take care of the same, for the subsistence of those of the Irish army that will pass into France: and if there shall not be sufficient in the stores, for the support of the said troops whilst they stay in this kingdom, and are crossing the seas, that upon giving up an account of their numbers, the General will furnish them with sufficient provisions at the King's rates; and that there shall be a free market at Limerick, and other quarters where the said troops shall be; and in case any provision shall remain in the magazines of Limerick when the town shall be given up, it shall be valued, and the price deducted out of what is to be paid for the provisions to be furnished to the troops on ship-board.

XXVII. That there shall be a cessation of arms at land, as also at sea, with respect to the ships, whether English, Dutch, or French, designed for the transportation of the said troops, until they shall be returned to their respective harbours; and that on both sides they shall be furnished with sufficient passports both for ships and men; and if any sea commander, or captain of a ship, or any officer, trooper, dragoon, soldier, or any other person, shall act contrary to this cessation, the persons so acting shall be punished on either side, and satisfaction shall be made for the wrong that is done; and officers shall be sent to the mouth of the river of Limerick, to give notice to the commanders of the English and French fleets, of the present conjuncture, that they may observe the cessation of arms accordingly.

XXVIII. That

XXVIII. That for the security of the execution of this present capitulation, and of each article therein contained, the besieged shall give the following hostages—and the General shall give——

XXIX. If before this capitulation is fully executed, there happens any change in the government, or command of the army, which is now commanded by General Ginkle; all those that shall be appointed to command the same, shall be obliged to observe and execute what is specified in these articles, or cause it to be executed punctually, and shall not act contrary on any account.

Oct. 19.

BARON DE GINCKLE.

If this treaty is only considered according to those rules of common morality, which influence the conduct of man to man; if, in proportion to the great advantages which England derived from it, she was bound to construe it with liberality, as well as to execute it with good faith; then the Irish Catholics must be considered as placed by it in a situation of complete equality with their Protestant countrymen. The free exercise of their religion was granted in the most unqualified manner: Security of property was as fully confirmed to them. In regard to personal security, they were pardoned all misdemeanors whatsoever, of which they had been guilty, and were restored to all the rights, liberties, privileges, and immunities, which, by the laws of the land, and customs, constitutions, and native birthright, they, any, and every of them, were equally, with every other of their fellow subjects entitled to.* The practice of the several trades or professions was secured to them. They were allowed the use of arms, some of them specially, but all of them in consequence of no

* Sir Theobald Butler's speech, vide Appendix, No. I.

limitation or exception to the contrary ; and they were left at liberty to vote for members of Parliament, and to sit in Parliament.* Even the laws which were in force against the Catholics, when the treaty took place, ought, according to the first article, to have been repealed ; † because their Majesties engaged, by this article, to obtain for the

* The articles of Limerick were signed by De Ginckle on the 3d of Oct. 1691. The English parliament that passed the 3d W. and M. c. 2. by which Irish peers and members of parliament were first required to take the oath of supremacy, met on the 22d Oct. 1691. According to the constitution of Ireland as granted by Henry II. and confirmed in 1782, this act of the 3d W. and M. c. 2. was not binding in Ireland, and though the Catholics submitted to it, they were not legally excluded from parliament till the 22d year of his present majesty's reign. This act was in direct violation of the treaty of Limerick.

† These laws were, 1st, an act against the authority of the See of Rome. It enacts, that no person shall attribute any jurisdiction to the See of Rome ; that the person offending shall be subject to a premunire ; and, that all who have any office from the King, every person entering into orders, or taking a degree in the University, shall take the oath of supremacy.

2d, An act restoring to the Crown the antient jurisdiction over the State, ecclesiastical and spiritual. It likewise enacts, that every ecclesiastical person, every person accepting office, shall take the oath of supremacy.

3d, An act for the uniformity of Common Prayer. It enacts, that every person, having no lawful excuse to be absent, shall, every Sunday, resort to some place of worship of the established Church, or forfeit 12d.

4th, An act, by which the Chancellor may appoint a guardian to the child of a Catholic.

5th, An act by which no Catholic schoolmaster can teach in a private house, without a license from the ordinary of his diocese, and taking the oath of supremacy.

6th, The new rules, by which no person can be admitted into any corporation without taking the oath of supremacy.

This statement is taken from the Report of the Committee of the House of Commons appointed, in 1697, to consider what penal laws were then in force against the Catholics.—*Com. Jour. of Ireland*, v. 2.

Catholics

Catholics such further security, in respect to the exercise of their religion, *as might preserve them from any disturbance on account of that religion.* It is impossible for any other fair construction to be given to this article, than that which is here given. It would be beneath the dignity, and wholly inconsistent with that character for good faith, of which it has always been the pride of England to boast, to attempt to apply any other meaning to it. No doubt there are those who would wish to act, on all occasions, towards the Catholics, according to that system of perverted morality which the powerful always impose on the weak ; but, so long as the true principles of justice shall have their due influence, the majority of mankind can never consider this first article of the treaty of Limerick in any other light, than as a complete and perpetual exemption of the Irish Catholics from all political and religious disqualification on account of their religion. This treaty has been very accurately described as the great charter of the civil and religious liberty of the Catholics ;* and though not hitherto observed as such by the English government, the Catholics have a right (which time cannot efface, nor perfidy destroy) to recur to its stipulations.

Though William had bound himself by this treaty to call a Parliament as soon as his affairs would admit, and to obtain from it the ratification of the treaty, he dissolved the first Parliament of his reign, which had met on the 5th of October, 1692, in Sept. 1693, without proposing to them any such measure. He was further guilty of a want of attention to his engagement, by not sum-

* Smollet.

moning another Parliament till the 27th April, 1695; and, when this Parliament did meet, he seems to have entirely forgotten that his own faith, and the faith of the English nation, was plighted to the Catholics by a solemn treaty; for, instead of recommending to them, in the speech of his Lord Deputy, to proceed to confirm the articles of Limerick, he told them that he was intent upon the great work of a firm settlement of Ireland upon a *Protestant* interest.* The Parliament were not backward in promoting his object. They first of all passed an act to deprive the Catholics of the means of educating their children either at home or abroad, and of the privilege of being guardians either of their own or of any other person's children.† Then they passed an act to disarm the Catholics,‡ another to banish their priests,§ and, strange as it may appear, they then thought proper in the year 1697, to pass an act to *confirm the Articles* of Limerick.||

Of this act it is to be observed, in the first place, that the very title of it is a proof of its injustice;

* Comm. Journal, 2. 279.

† 7th W. III. c. 4. of this act Mr. Burke says, "Whilst this restraint upon foreign and domestic education was part of a horrible and impious system of servitude, the members were well fitted to the body. To render men patient, under a deprivation of all the rights of human nature, every thing which could give them a knowledge or feeling of those rights was rationally forbidden. To render humanity fit to be insulted, it was fit that it should be degraded. Indeed, I have ever thought the prohibition of the means of improving our rational nature, to be the worst species of tyranny that the insolence and perverseness of mankind ever dared to exercise.—*Letter to a Peer in Ireland.*

‡ 7th W. III. c. 5.

§ 9th William III. c. 1.

|| 9th William III. c. 2.

for it is styled “ an act for the confirmation of *articles*,” and not, as it ought to be, “ of *the* articles” made at the surrender of Limerick.”

The preamble affords further evidence of the intention of the framers of it to evade its proper object. It runs thus : “ That the said articles, or *so much of them* as may consist with the safety and welfare of your Majesty’s subjects of this kingdom may be confirmed,” &c.

But the whole act goes to convict the Parliament, and (as this Parliament was completely under the controul of the Lord Deputy,)* even William himself, of gross injustice towards the Catholics. For the first article of the treaty is wholly omitted, which guarantees to the Catholics the free exercise of their religion, and an exemption from all disturbance on account of it; and each clause of the act has the effect of limiting the terms of the other articles, and depriving the Catholics of the benefit of them, instead of ratifying and confirming them.

The first clause, which refers at once to the second article, explains who are entitled to the benefit of it, and the rights conferred upon them; assuming as a fact, for which there could be no foundation, that this article required explanation. With respect to the persons entitled to the benefit of the treaty, a most remarkable difference occurs between the words of the second article, and those of this clause in describing them. In the ratification of the treaty by William, there is the following passage : “ And whereas it appears to us, that

“ * He (Lord Capel the Lord Deputy) carried the project of the Crown in Parliament, and was recommended as an excellent Governor, in a special address sent by the Commons to the King.”—*Macpherson’s Hist.* 2. 94.

it was agreed between the parties to the said articles, that after the words Limerick, Clare, Kerry, Cork, and Mayo, or any of them, in the second of the said articles, the words following, viz. "And all such as are under their protection in the said counties," should be inserted and be part of the said article; "Our further will and pleasure is, and we do ratify and confirm the said omitted words." These words, according even to the strict letter of the article, extended the benefit of the treaty to the whole Catholic population of these counties, which certainly was the object of the treaty, as it may be collected from the preamble to it, in which it is stated that the Irish Generals, acted in behalf of the Irish inhabitants of these counties. But in this clause of the act of Parliament to *confirm* the treaty, these words are omitted, and therefore the benefit of the treaty is limited, by this explanatory and confining act, to the Irish army and the inhabitants of the city of Limerick, and a few more garrison towns: a limitation in every respect most perfidious, and wholly unjustifiable upon any plea of ambiguity in the language of the article, even if such a plea could for a moment be allowed.

With respect to the rights conferred by the second article, this clause affords a striking proof of the paltry subterfuges to which the Legislature of that day could have recourse, in order to defeat the ends of justice, and to oppress the Catholics. The second article declares, that all those comprised in the treaty, "shall hold, possess, and enjoy, all and
 " every their estates of freehold and inheritance;
 " and all the rights, titles, and interests, privileges,
 " and immunities, which they, every, or any of
 " them held, enjoyed, or were rightfully and law-
 " fully

“ fully entitled to in the reign of King Charles II.” The clause of the act corresponds with the article except in these most material points ; after the word “ inheritance :” the stop, instead of being a semicolon, as it is in the original treaty, is altered to a comma ; and after the words “ privileges and “ immunities,” the words “ to the said estates” are inserted ; and thus the meaning of the second article is wholly altered, and the words “ rights, “ privileges, and immunities,” made to refer to the estates of the Catholics, instead of to their persons and liberties, to which only by the original article they can refer. If any authority were wanting to maintain this construction, a very unquestionable one may be adduced from the speech of Sir Theobald Butler; before alluded to, who was in Limerick when it surrendered, and was the person employed to draw up the treaty.

This act for *confirming* the treaty, wholly omits that part of the second article, which guarantees to the Catholics the exercise of their several trades and professions. It also omits the fourth article. It limits the benefit of the indemnity granted by the sixth article to a period subsequent to the 10th of April, 1689, and enables all persons, who suffered any injuries between the 5th of November, 1688, and this period, to bring their actions for the same until the 1st of September, 1691, by declaring that the commencement of the war referred to in the article, was the 10th of April, 1689, and not the 5th of November, 1688, and it omits the 7th, 8th, 9th, and 10th articles. Being in short an act that, under the name of conferring favours on the Catholics, really placed them in a worse condition than that in which they were before it passed into a law.

The

The other acts of this reign, relating to the Catholics, are, an act to prevent Protestants from intermarrying with Papists,* and an act to prevent them from being solicitors.† A clause was introduced in an act for the preservation of game, prohibiting papists from being employed as game-keepers.‡

How it is possible to defend William and his ministers from the charge of having acted with perfidy towards the Catholics, it is not easy to discover. That they were guilty of violating the treaty no one can deny. The excuse that has been made for William, that he was obliged to submit to the power of the anti-catholic party, is not sufficient. Why did he not refuse his consent to these laws, on the ground of their being contrary to his solemn engagements to the Catholics? He had exercised this prerogative in the case of one Scotch,§ and of one English bill.|| But even this extremity might have been avoided, because the law of Poynings required that every bill should be approved by the King and Council of England, before it could pass the House of Commons; and, if a bill was exceptionable, by withholding their approbation, a very common proceeding, it fell of course to the ground.

But if William and his ministers were guilty of perfidy towards the Catholics, his successor far outstripped him. Nor has any succeeding prince been free from the blame of having been an acces-

* 9th William III. c. 3.

† 10th William III. c. 13.

‡ 10th William III. c. 8.

§ For excluding from any public trust all such as had been concerned in the encroachments of the late reign.

|| Concerning free and impartial proceedings in Parliament.

sary to his crime, in proportion as he has neglected or refused to repeal those penal laws, which are so many glaring violations of the treaty of Limerick, which are a scandal to the boasted good faith of the English nation, and a mockery of that equitable religion, whose precepts are founded upon the purest principles of justice and humanity.

ANNE.

On the 4th of March, 1704, the royal assent was given to the *act to prevent the further growth of popery*; being the first of those two famous acts, which have most deservedly been termed by Mr. Burke, the ferocious acts of Anne.

By the third clause of this act the popish father, though he may have acquired his estate by descent from a long line of ancestors, or by his own purchase, is deprived of the power, in case his eldest son, or any other son, becomes a Protestant, to sell, mortgage, or otherwise dispose of it, or to leave out of it any portions or legacies.

By the 4th clause, the popish father is debarred, under a penalty of 500*l.* from being a guardian to, or from having the custody of his own children; but if the child, though ever so young, pretends to be a Protestant, it is to be taken from its own father, and put into the hands of a Protestant relation.

The 5th clause provides that no Protestant shall marry a Papist, having an estate in Ireland, either in or out of the kingdom.

The

The 6th clause renders Papists incapable of purchasing any manors, tenements, hereditaments, or any rents or profits arising out of the same, or of holding any lease of lives, or other lease whatever, for any term exceeding 31 years. Even with respect to this advantage restrictions are imposed on them, one of which is, that if a farm produced a profit greater than one-third of the amount of the rent, the right in it was immediately to cease, and to pass over entirely to the first Protestant who should discover the rate of profit.

The 7th clause deprives Papists of such inheritance, devise, gift, remainder or trust, of any lands, tenements, or hereditaments, of which any Protestant was, or should be seized in fee simple, absolute or fee tail, which, by the death of such Protestant, or his wife, ought to have descended to his son or other issue in tail, being Papists, and makes them descend to the nearest Protestant relation, as if the Popish heir and other Popish relations were dead.

By the 10th clause, the estate of a Papist, for want of a Protestant heir, is to be divided, share and share alike, among all his sons; for want of sons, among his daughters; and, for want of daughters, among the collateral kindred of the father.

By the 15th clause, no person shall be exempt from the penalties of this act, that shall not take and subscribe the oath and declaration required by this act to be taken.

By the 16th clause, all persons whatsoever who shall receive any office, civil and military, shall take and subscribe the oath and declaration required to be taken by the English act of 3rd Wm. and Mary; and also the oath of abjuration required

quired to be taken by another English act of 1st Anne; and also shall receive the sacrament.*

The 23rd clause provides, that no Papist, except under particular conditions, shall dwell in Limerick or Galway.

The 24th, that no persons shall vote at elections without taking the oaths of allegiance and abjuration.

And the 25th clause, that all advowsons possessed by Papists shall be vested in her Majesty.

The Catholics, who had submitted in silence to all the unjust transgressions of the last reign, felt it necessary, when this act was first brought before Parliament, to use their utmost exertions to prevent it from passing into a law. They, however, appealed in vain to the English Cabinet to respect the solemn engagements of the treaty of Limerick, and were obliged to have recourse to a petition to the Irish Parliament.

Sir Theobald Butler was heard, as counsel for the petitioners, at the bar of the House of Commons, on the 22nd February, 1703. He stated, "that the bill would render null and void the articles of Limerick; that those articles had been granted for the valuable consideration of the

* Upon this clause of the bill, Bishop Burnet makes the following observations: "A clause was added (in England) which they (the Roman Catholics) hoped would hinder its being accepted in Ireland. The matter was carried on so secretly, that it was known to none but those who were at the Council, till the news of it came from Ireland, upon its being sent thither. It was hoped, by those who got this clause added to the bill, that those in Ireland, who promoted it, would be less fond of it, when it had such a weight hung to it." *Hist. v. 2. p. 214.*

This clause has since been called the Sacramental Test, the first imposed on dissenters in Ireland. It was repealed without any opposition in the Sessions of 1782.

"surrender

“surrender of that garrison, at a time when the
 “Catholics had the sword in their hand, and were
 “in a condition to hold out much longer; and
 “when they had it in their power to demand and
 “make such terms as might be for their own fu-
 “ture liberty, safety, and security: that the al-
 “lowing of the terms contained in these articles
 “were highly advantageous to the government to
 “which they submitted, as well for uniting the
 “people that were then divided, quieting and set-
 “tling the distractions and disorders of this mise-
 “rable kingdom, as for the other advantages which
 “the government would thereby reap in its own af-
 “fairs, both at home and abroad, when its enemies
 “were so powerful, both by sea and land, as to ren-
 “der the peace and settlement of these countries
 “a circumstance of great uncertainty: that these
 “articles were ratified by their late Majesties, for
 “themselves, their heirs, and successors, and the
 “public faith thereby plighted to all those com-
 “prised in these articles, in the most binding man-
 “ner it was possible for faith to be plighted, and
 “than which nothing could be more sacred and
 “solemn: that, therefore, to violate and break
 “those articles would, on the contrary, be the
 “greatest injustice possible for any one people of
 “the whole world to inflict upon another, and
 “contrary to both the laws of God and man.”

He then proceeded to shew that the clauses of the
 bill which take away from Catholics the right to
 purchase, bequeath, sell, and inherit estates, were
 infringements of the 2nd article of the treaty: that
 the 9th clause of the bill, imposing upon Catho-
 lics new oaths, was another manifest breach of the
 articles, for that, by the 9th article, no oath is to
 be administered to, nor imposed upon such Catho-
 lics

lies as should submit to government, but the oath of allegiance, appointed by an act made in England in the first year of the reign of their late Majesties; that the clauses for prohibiting Catholics from residing in Limerick or Galway, from voting at elections without taking certain new oaths, and from possessing advowsons, were likewise infringements of the treaty. "For if," concludes Sir Theobald Butler, "there was no law in force in the reign of Charles II. against these things, as there certainly was not, and if the Roman Catholics of this kingdom have not since forfeited their right to the laws that then were in force, as for certain they have not, then, with humble submission, all the aforesaid clauses, and matters contained in this bill, entitled, *An Act to prevent the further growth of Popery*, are directly against the plain words and true interest and meaning of the said articles, and a violation of the public faith."*

In consequence of the passing of this act, and of those other acts which were passed of a similar tendency in the last reign, the Catholics were deprived of all those privileges and immunities, which they trusted had been secured in consequence of a King of England having bound himself, his heirs and successors, to fulfil the conditions of the treaty of Limerick. In place of being the free subjects of a prince, from whom they were taught to expect only justice and mercy, they were made the slaves of every one, even of the very meanest, of their Protestant countrymen. They saw the English government, on whom they had claims for protec-

* Vid. App. No. 1. for the Speech at length of Sir Theobald Butler.

tion against their own parliament, directing its fanatic councils, and confirming its crimes. By the treaty of Limerick they were left at liberty to educate, and to act as guardians to their own children: by the penal laws they neither can send them to be educated abroad, or have them educated at home, or be guardians to their own, or the children of any other persons.

By the treaty of Limerick, the free exercise of their religion was guaranteed to them. By the penal laws their chapels are shut up, their priests are banished, and hanged if they returned home.

By the treaty of Limerick, their noblemen and gentlemen were specially allowed the privilege of wearing arms, and the whole body were equally entitled to the same privilege, because, when it was executed, no law existed to the contrary. By the penal laws, no Catholic is permitted to have the use of arms, except a very few even of those who were specially comprised in the treaty.

By the treaty of Limerick, Catholics might intermarry with Protestants. By the penal laws this privilege is removed.

By the treaty of Limerick, the profession of the law was open to them; by these laws it is taken from them.

By the treaty of Limerick, the Catholics could purchase, sell, bequeath, and inherit landed property. By the penal laws they can neither purchase, sell, bequeath, or inherit landed property, take annuities for lives secured on lands, or any longer lease of land than for 31 years; nor could they lend money on mortgage* or vest it in public securities.

* By a construction of Lord Hardwicke.

By the treaty of Limerick, the Catholics were left in full enjoyment of every political franchise, except those of holding offices under government, and of becoming members of corporations. By the penal laws, they cannot vote at vestries, serve on grand juries, act as constables, or as sheriffs or under-sheriffs, be magistrates, vote at elections, or sit in parliament.*

By the treaty of Limerick, they were protected from being called upon to take any other oaths besides the oath of allegiance of the 1st William and Mary. By the penal laws they are required to take the oaths of abjuration and supremacy, and to subscribe declarations against the principal tenets of their religious faith.

By the treaty of Limerick, they were acknowledged as the free subjects of a British King; by the penal laws they are placed in the double capacity of slaves and enemies of their Protestant countrymen. Had they become mere slaves, they might have experienced some degree of humane treatment; but, as the policy which made them slaves, held them out at the same time as the natural and interested enemies of their masters, they

* "The exclusion from the law, from grand juries, from sheriffships and under-sheriffships, as well as from freedom in any corporation, may subject them to dreadful hardships, as it may exclude them wholly from all that is beneficial, and expose them to all that is mischievous in a trial by jury. This was manifestly within my own observation, for I was three times in Ireland from the year 1760 to the year 1767, where I had sufficient means of information, concerning the inhuman proceedings (among which were many cruel murders, besides an infinity of outrages and oppressions, unknown before in a civilized age) which prevailed during that period, in consequence of a pretended conspiracy among Roman Catholics against the King's Government."—*Burke's Letter to a Peer of Ireland.*

were doomed to experience all the oppression of tyranny, without any of the chances, that other slaves enjoy, of their tyrants being merciful, from feeling their tyranny secure.

This statement will be sufficient to convince those who really form their political opinions upon principles of justice, that the penal laws never should have been enacted; and that it is the duty of every upright statesman to promote the instant repeal of the whole of them: because it proves a solemn compact entered into between the Catholics and the English Government, and the breach of that contract by the English Government, notwithstanding the Catholics fulfilled their part of the agreement. How can men gravely and zealously contribute to make perpetual the political disabilities of the Catholics, which were the base and perfidious means adopted by a wicked legislature to influence men's consciences by corrupt motives, and tempt and bribe them to apostacy?

As there are, however, no small number of politicians who, though they would think it an edifying exhibition to see a Catholic occasionally consigned to martyrdom, yet would be scandalized at the bare idea of breaking faith with him in any affair of barter, particularly if they had already received from him their consideration, and that a valuable one; it will be necessary to make some further observations upon the violation of the treaty of Limerick, in order that no one may have a pretext on which he can escape the fair conclusion that ought to be drawn from what has been advanced, that the English government and nation are, at this day, bound to make good to the Catholics of Ireland the stipulations contained in that treaty. For, if ever there was an instance in which the con-

sideration

sideration that formed the basis of a treaty should have secured a liberal and a just fulfilment, it was the instance of this treaty of Limerick. In the course of the three campaigns, during which the war lasted in Ireland, the English army had been defeated on several occasions. In the North under Schomberg; before Athlone under Douglas; and before Limerick under William himself. The victory of the Boyne was the result of the personal failings of James, not of any deficiency in the number of his army, or of any want of courage on their part. "Exchange Kings," said the Irish officers, "and we will once more fight the battle." St. Ruth had won the battle of Aughrim, and had exclaimed, in an ecstasy of joy, "Now will I drive the English to the walls of Dublin," at the moment the fatal ball struck him.* And, at the time the garrison of Limerick capitulated, the Irish army was in a condition to hold out at least another campaign, with a good prospect of being able to restore the fallen fortunes of James. The besieging army had made no impression on the principal part of the city; it was inferior in numbers to that of the garrison; winter was fast approaching, and at the very moment French succours were on the coast, yet all these advantages did the Irish army forego, in consideration of the terms which were granted to them by the treaty of Limerick. On the other hand, in granting these terms, the English government and nation obtained advantages of the utmost importance. For so long as James had a powerful army in Ireland, and nearly one half of the kingdom under his dominion, the great work of the revolution was neither accomplished nor se-

* Leland, B. 6, c. 7.

cured. The fair way, therefore, of judging of the value of the treaty of Limerick to England, is to consider how far it contributed to promote this inestimable object. If the treaty of Limerick, in any degree, led to the establishment of the revolution, the vast importance of this event should have inclined the people of England to act with justice, at least, towards the Catholics. But if their submission contributed essentially to crown the brilliant efforts of the friends of liberty with success, then indeed the people of England should have felt zealous to act towards the Catholics, not on a cold calculation of what was merely just on their part, but with that kindness with which we always regard those who have promoted our prosperity, whether intentionally or not. That the submission of the Irish Catholics did so contribute to complete the revolution is plain, from the means which they possessed of continuing the war; from the opportunity it afforded William to bring his whole forces to bear against Louis; and from the termination it fixed to the hopes and the conspiracies of the adherents of James in England. Yet, notwithstanding the great concessions which the Catholics, on their part, made by their submission, in order to obtain the terms of the treaty of Limerick, and the great advantages which the English nation, on the other hand, acquired by it, twelve years only elapsed before the Catholics were deprived of every right and privilege which was solemnly guaranteed to them by that treaty.

The only species of justification that could, under any circumstances, have been brought forward for acting in this manner towards the Catholics, would have been, the proof of the forfeiture, by misconduct, of their right to the fulfilment of

the treaty. That any thing which they did prior to the treaty, could have, in justice, any influence on measures passed subsequent to its taking place, is quite impossible; because the treaty admitted their acts to be those of open and honourable enemies, and specifically pardoned them.* As to their conduct afterwards, even their most inveterate and most unprincipled enemies did not charge them with a single transgression against the State, from the year 1691 to the year 1704, when the act to prevent the farther growth of Popery was passed. And it is very plain that no such charge could be maintained, from the paltry attempt that was made in Parliament to justify this act. It was said, "That the Papists had not demonstrated
 " how and where, since the making of the articles
 " of Limerick, they had addressed the Queen or
 " Government, when all other subjects were so
 " doing; and that any right, which they pre-
 " tended was to be taken from them by the bill,
 " was in their own power to remedy, by conform-

* "The peculiar situation of that country, (Ireland)" says Macpherson, "seems to have been overlooked in the contest. The desertion, upon which the deprivation of James had been founded in England, had not existed in Ireland. The Lord Lieutenant had retained his allegiance. The government was uniformly continued under the name of the Prince, from whom the servants of the Crown had derived their commissions. James himself had, for more than 17 months, exercised the royal function in Ireland. He was certainly *de facto*, if not *de jure*, King. The rebellion of the Irish must, therefore, be founded on the supposition, that their allegiance is transferable by the Parliament of England. A speculative opinion can scarcely justify the punishment of a great majority of a people. The Irish ought to have been considered as enemies, rather than rebels."
 —*Hist. Great Britain.*

ing, as in prudence they ought to do; and that
 “they ought not to blame any but themselves.”*

No circumstance can possibly illustrate more clearly the innocence of the Catholics, and their loyalty and good conduct, from the treaty of Limerick to the passing of this act, than this mockery of justification; nor could any thing bring to our understandings an accurate comprehension of the perfidy and baseness of that government, and of that Parliament more distinctly, than so silly an excuse for such stern and crafty oppression.

Though the treaty of Limerick was now violated in every point, the spirit of persecution was still restless and unsatisfied. However great was the ingenuity of the legislators who produced that master-piece of oppression, the act to prevent the farther growth of Popery, it was found that another act was still wanting to explain and amend it. Such an act passed in the year 1709.†

The 1st clause provides, that no Papist shall be capable of taking any annuity for life.

The following is the 3rd clause, every word of which is of value, in order to shew the vexations with which the unfortunate Catholics of Ireland have been exposed: “And, be it further enacted, “by the authority aforesaid, that where and as “often as any child or children of any Popish parent or parents hath, or have heretofore professed or conformed him, her, or themselves, to “the Protestant religion, as by law established, “and enrolled in the High Court of Chancery a “certificate of the Bishop of the diocese in which he “she or they shall inhabit or reside, testifying his, “her, or their being a Protestant, and conforming

* Debates on the Popery Laws, App. I.

† 8th Anne, c. 3.

“him,

“ him, her, or themselves, to the church of Ireland,
 “ as by law established, *it shall and may be lawful*
 “ *for the High Court of Chancery, upon a bill*
 “ *founded upon this act, to oblige the said Papist,*
 “ *parent, or parents, to discover upon oath the full*
 “ *value of all his, her, or their estate, as well*
 “ *personal as real,* clear, over and above all real
 “ incumbrances and debts contracted, bona-fide,
 “ for valuable consideration, before the enrolment
 “ of such certificate, and thereupon to make such
 “ *order for the support and maintenance* of such
 “ Protestant child or children, by the distribution
 “ of the said real and personal estate, to and among
 “ such Protestant child or children, for the present
 “ support of such Protestant child or children; and
 “ also to and for the portion or portions, and future
 “ maintenance or maintenances, of such Protestant
 “ child, or children, after the decease of such
 “ Popish parent or parents, as the said court shall
 “ judge fit.”

The 12th clause provides, that all converts in public employments, members of parliament, barristers, attornies, or officers of any courts of law, shall educate their children Protestants.

By the 14th clause, the Popish wife of a Papist, having power to make a jointure, conforming, shall, if she survives her husband, have such provision, not exceeding the power of her husband, to make a jointure, as the Chancellor shall adjudge.

By the 15th clause, the Popish wife of a Papist, not being otherwise provided for, conforming, shall have a proportion out of his chattels, notwithstanding any will or voluntary disposition, and the stat. 7th W. III. 6.

The 16th clause provides, that a Papist teaching school publicly, or in a private house, or as usher

to a Protestant, shall be deemed and prosecuted as a Popish regular convict.

The 18th clause provides, that Popish priests, who shall be converted, shall receive 30*l.* per annum, to be levied and paid by Grand Juries.

The 20th clause provides, whimsically enough, for the reward of discovering Popish clergy and schoolmasters, viz.

For discovering an archbishop, bishop, vicar-general, or other person exer- cising any foreign ecclesiastical ju- risdiction - - - - -	£.50 0 0
For discovering each regular clergy- man, and each secular clergyman, not registered - - - - -	£.20 0 0
For discovering each Popish school- master or usher - - - - -	£.10 0 0

The 21st clause empowers two justices to summon any Papist of 18 years of age, and if he shall refuse to give testimony where and when he heard mass celebrated, and who and what persons were present at the celebration of it, and likewise touching the residence and abode of any priest or Popish schoolmaster to commit him to jail, without bail, for 12 months, or until he shall pay 20*l.*

By the 25th clause, no priest can officiate except in the parish for which he is registered, by 2d Anne, c. 7.

The 30th clause provides for the discovery of all trusts agreed to be undertaken in favour of Papists; and enables any Protestant to file a bill in Chancery against any person concerned in any sale, lease, mortgage, or incumbrance, in trust for Papists, and to compel him to discover the same; and it further provides, that all issues to be tried
in

in any action founded upon this act, shall be tried by none but known Protestants.

The 37th clause provides, that no Papist in trade, except in the linen trade, shall take more than two apprentices.

The following are the other acts passed in this reign concerning the Catholics.

An act to prevent Popish clergy from coming into the kingdom.*

An act for registering Popish clergy. By which all the Catholic clergy then in the kingdom were required to give in their names and places of abode at the next quarter sessions: by this act they are prohibited from employing curates.†

An act to amend this act.‡

An act to explain and amend an act to prevent Papists being solicitors or sheriffs, &c.§

Clauses are introduced into this act, by which Catholics are prevented from serving on grand juries; and by which, in trials upon any statute for strengthening the Protestant interest, the plaintiff might challenge a Papist, which challenge the judge was to allow.

During all Queen Anne's reign, the inferior civil officers, by order of government, were incessantly harassing the Catholics, with oaths, imprisonments, and forfeitures, without any visible cause but hatred of their religious profession. In the year 1708, on the bare rumour of an intended invasion of Scotland by the Pretender, forty-one Roman Catholic noblemen and gentlemen were imprisoned in the castle of Dublin; and, when they were afterwards set at liberty, the government was so sensible of the wrong done to them, that it remitted their fees,

* 2d Anne, c. 3.

† 2d Anne, c. 7.

‡ 4th Anne, c. 2.

§ 6th Anne, c. 1.

amounting

amounting to 800*l*. A custom that had existed from time immemorial, for infirm men, women, and children, to make a pilgrimage every summer to a place called St. John's well, in the county of Meath, in hopes of obtaining relief from their several disorders, by performing at it certain acts of penance and devotion, was deemed an object worthy of the serious consideration of the House of Commons; who accordingly passed a vote, that these sickly devotees "were assembled in that place to the great hazard and danger of the public peace, and safety of the kingdom." They also passed a vote, on the 17th March, 1705, "That all magistrates and other persons whatsoever, who neglected or omitted to put them (the penal laws) in due execution, were betrayers of the liberties of the kingdom;"* and in June, 1705, they resolved, "That the saying and hearing of mass, by persons who had not taken the oath of abjuration, tended to advance the interest of the Pretender; and that such judges and magistrates as wilfully neglected to make diligent inquiry into, and to discover such wicked practices, ought to be looked upon as enemies to her Majesty's government."† And, upon another occasion, they resolved, "That the prosecuting and informing against Papists was an honourable service to the government."‡

* Com. Jour. 3. 289.

+ Ib. 319.

‡ Ib. 319.

GEORGE I.

GEORGE I.

The following acts of Parliament were passed in this reign, for the purpose of strengthening the system which had been adopted by William and Anne, for preventing the growth of Popery.

An act to make the militia of this kingdom more useful.*

By the 11th and 12th clauses of this act, the horses of Papists may be seized for the militia.

By the 4th and 18th clauses, Papists are to pay double towards raising the militia.

By the 16th clause, Popish house-keepers in a city, are to find fit Protestant substitutes.

An act to restrain Papists from being high or petty constables, and for the better regulating the parish watches.†

An act for the more effectual preventing fraudulent conveyances, in order to multiply votes for electing members to serve in Parliament, &c.‡

By the 7th clause of this act, no Papist can vote at an election, unless he takes the oaths of allegiance and *abjuration*.

An act for the better regulating the town of Galway, and for strengthening the Protestant interest therein.§

An act for the better regulating the corporation of the city of Kilkenny, and strengthening the Protestant interest therein.||

An act by which Papists resident in towns, who

* 2d G. I. c. 9.

† 2d G. I. c. 10.—This act expired in three years, and was not renewed.

‡ 2d Geo. I. c. 19.

§ 4th Geo. I. c. 15.

|| 4th Geo. I. C. 16.

shall not provide a Protestant watchman to watch in their room, shall be subject to certain penalties.*

By the 7th clause of this act, no Papist can vote at a vestry.

These acts of Parliament originated in the same spirit of persecution, which disgraced the reigns of William and Anne, and were, like the penal laws against the Catholics of those reigns, palpable violations of the treaty of Limerick. Though a glimmering of toleration had found its way into the councils of England, and given rise to "*an act for exempting Protestant dissenters of this Country (Ireland) from certain penalties to which they were subject,*" the Catholics were excluded, by a particular clause, from any benefit of it. And though it was in this reign that the first act† passed "*for discharging all persons in offices and employments from all penalties which they had incurred by not qualifying themselves, pursuant to an act to prevent the further growth of Popery,*" the favour conferred by it was wholly to the Protestant dissenters, as no Catholic had been placed in any public office since the passing of that penal law.

The loyalty of the Catholics was in this reign put to a complete trial, by the Scotch rebellion of 1715. If, after having fought three campaigns in support of James's pretensions to the throne of Ireland; after having experienced the infraction of every part of the treaty of Limerick, and been exposed to a code of statutes, by which they were totally excluded from the privileges of the constitution; and if, after they had become subject "to the worst of all oppressions, the persecution of pri-

* 6th Geo. I. c. 10.

† 6th Geo. I.

vate society and private manners,"* they had embarked in the cause of the invader, their conduct would have been that of a high spirited nation, goaded into a state of desperation by their relentless tormentors, and if their resistance had been successful, their leaders would have ranked among the Tell's and Washington's of modern history.— But so far from yielding to the natural dictates of revenge, or attempting to take advantage of what was passing in Scotland to regain their rights, they did not follow the example of their rulers, in violating, upon the first favourable opportunity, a sacred and solemn compact; and thus they gave the strongest testimony, that they had wholly given up their former hopes of establishing a Catholic prince upon the throne. Their loyalty was not, however, a protection to them against the oppressions of their Protestant countrymen. The penalties for the exercise of their religion, were generally and rigidly inflicted. Their chapels were shut up, their priests dragged from their hiding-places, hurried into prisons, and from thence sent into banishment.

GEORGE II.

In this reign, the following additional disabilities were imposed upon the Catholics.

By the 1st G. II. c. 9. sect. 7. no Papist can vote at an election without taking the oath of supremacy. However great the oppression which the Catholics had experienced during former reigns,

* Burke's Letter to a Peer of Ireland.

this measure altogether completed their entire exclusion from the benefits of the Constitution, and from the opportunity of regaining their former just rights. It was because this privilege had begun to operate amongst Protestants in a manner very favourable to the Catholics, and to bring about a feeling of regret for their sufferings, and a coalition between the two parties to oppose the influence of the English Government as a common cause of grievances, that Primate Boulter advised the Ministers to pass this law. His principle of government for Ireland, was to uphold the English interest by the divisions of the inhabitants; and, on this occasion, it induced him to adopt the desperate resolution of disfranchising, at one stroke, above five-sixths of its population.*

By the first clause of 1st Geo. II. c. 30. barristers, six clerks, &c. are required to take the oath of supremacy.

By the second clause all converts, &c. are bound to educate their children as Protestants.

By 7th Geo. II. c. 5. sect. 12. barristers or solicitors, marrying Papists, are deemed Papists, and made subject to all penalties as such.

By 7th Geo. II. c. 6. no convert can act as a justice of the peace, whose wife, or children, under 16 years of age, are educated Papists.

The 13th Geo. II. c. 6. is an act to amend former acts for disarming Papists.

By the 6th clause of this act, Protestants educating their children as Papists, are made subject to the same disabilities as Papists are.

By 9th Geo. II. c. 3. no person can serve on a

* Primate Boulter, in his Letter of this year to the Archbishop of Canterbury (1st. vol. p. 210.) says, "There are, probably, in this kingdom, five Papists at least to one Protestant."

petty jury, unless seized of a freehold of 5l. per annum, or, being a Protestant, unless possessed of a profit rent of 15l. per annum under a lease for years.

By 9th Geo. II. c. 6. sect. 5. persons robbed by privateers, during war with a Popish prince, shall be reimbursed by grand jury presentment, and the money be levied upon the goods and lands of Popish inhabitants only.

The 19th Geo. II. c. 5. is an act for granting a duty on hawkers and pedlars to the society of Protestant charter-schools.*

The

* The following is the preamble of the charter for erecting these schools. "George II. by the grace of God, &c. Forasmuch as we have received information, by the petition of the lord primate, lord chancellor, archbishops, noblemen, bishops, judges, gentry, and clergy, of our kingdom of Ireland, that in many parts of the said kingdom, there are great tracts of land almost entirely inhabited by Papists, who are kept by their clergy in great ignorance of the true religion, and bred up in great dissatisfaction to the government. That the erecting of English Protestant schools in those places, *is absolutely necessary for their conversion*; that the English parish schools already established, are not *sufficient for that purpose*; nor can the residence of the parochial clergy only fully answer that end."—Catholics are excluded by this charter from being subscribers to, or members of this society. *Vid. Report of Committee of Irish H. of Commons, 14 Ap. 1788. Ir. Comm. Journ. 12 Ap. 810.*—

The children admitted into the schools are orphans, or the children of Catholic and other poor natives of Ireland, who, from their situation in life, are not likely to educate them as Protestants. They are apprenticed at the age of fourteen years, with a fee of seven guineas with each female, and of five guineas with each male, into protestant families. The society give a portion of five pound to every person educated in these schools, upon his or her marrying a protestant.

In Sept. 1806, the number of children in the schools were 2130.

The funds of the society consist in lands, funded property, and an annual grant of parliament.—They amount to about

34,000l.

The 19th Geo. II. c. 13. is an act to annul all marriages between Protestants and Papists, or celebrated by Popish priests.

By the 23rd Geo. II. c. 10. sect. 3. every Popish priest who shall celebrate any marriage contrary to 12th Geo. I. c. 3. and be thereof convicted, shall be hanged.

Of these last acts, and of Lord Chesterfield's administration, Mr. Burke gives the following account. "This man, while he was duping the
 "credulity of the Papists with fine words in private,
 "and commending their good behaviour during a
 "rebellion in Great Britain, as it well deserved to
 "be commended and rewarded, was capable of urg-
 "ing penal laws against them in a speech from the
 "throne,* and of stimulating with provocatives
 "the wearied and half exhausted bigotry of the
 "Parliament of Ireland. They set to work, but

34,000l. per annum. From the year 1754, 31 Geo. II. c. 1. to the 1st January, 1808, there has been granted by parliament to this society 491,326l. besides certain duties on hawkers and pedlars, from 1754 to 1786.

By the 23rd G. II. c. 11. the society may appoint persons to take up beggar children, and send them to the charter schools, and when old enough bind them apprentices.

By the same act, § 8. a child received with the parent's consent, is deemed a child of the public, and may be disposed of though claimed by the parent.

* "The measures that have hitherto been taken to prevent the growth of Popery, have, I hope, had some, and will still have a greater effect; however I leave it to your consideration whether nothing further can be done, either by new laws, or by more effectual execution of those in being, to secure the nation against the greater number of Papists, whose speculative errors would only deserve pity, if their pernicious influence upon civil society did not both require and authorise restraint."
 —*Speech to both Houses of Parliament, October 8, 1745.*—Com. Jour. 7. 642.

"they

“ they were at a loss what to do ; for they had al-
 “ ready almost gone through every contrivance
 “ which could waste the vigour of their country :
 “ but, after much struggle, they produced a child
 “ of their old age, the shocking and unnatural act
 “ about marriages, which tended to finish the
 “ scheme for making the people not only two dis-
 “ tinct parties for ever, but keeping them as two
 “ distinct species in the same land. Mr. Gardi-
 “ ner’s humanity was shocked at it, as one of the
 “ worst parts of that truly barbarous system, if
 “ one could well settle the preference, where al-
 “ most all the parts were outrages on the rights
 “ of humanity and the laws of nations.”*

Of the conduct of the Catholics during the
 Scotch rebellion of 1745, fortunately for them, but
 greatly to the shame of those who accuse them of
 being actuated by religious principles inconsistent
 with their duty to their sovereign, there is on re-
 cord an irrefutable document. In the year 1762,
 upon a debate in the House of Lords, about the
 expediency of raising five regiments of Catholics
 for the King of Portugal, the Primate, Dr. Stone,
 in answer to the usual objections that were urged
 on all occasions against the good faith and loyalty
 of that body, declared in his place, “ that in the
 “ year 1747, after that rebellion was entirely sup-
 “ pressed, happening to be in England, he had an
 “ opportunity of perusing all the papers of the
 “ rebels, and their correspondents, which were
 “ seized in the custody of Murray, the Pretender’s
 “ secretary ; and that, after having spent much
 “ time, and taken great pains in examining them,
 “ not without some share of the then common sus-
 “ picion, that there might be some private under-

* Letter to a Peer in Ireland.

“standing and intercourse between them and the Irish Catholics, he could not discover the least trace, hint, or intimation of such intercourse or correspondence in them, or of any of the latter’s favouring or abetting, or having been so much as made acquainted with the designs or proceedings of these rebels. And what,” he said, “he wondered at most of all was, that in all his searches, he had not met with any passage in any of these papers, from which he could infer, that either their holy father, the pope, or any of his cardinals, bishops, or other dignitaries of that church, or any of the Irish clergy, had either directly, or indirectly, encouraged, aided, or approved of the commencing or carrying on of that rebellion.”*

Those of the clergy of England, who lately took so active a part in exciting and upholding the infamous outcry of “No Popery”—will do well to compare this declaration of Primate Stone, with the following statement of the conduct of the Irish clergy, immediately upon the breaking out of the Scotch rebellion. They will learn how easily it is, even for the grave profession of the church to commit errors, and to pollute its sacred character, by embarking in the controversy of party politics. “The bishops wrote pastoral letters to their respective diocesans, to excite the members of the established church to enforce all the penal statutes, and with equal wisdom and charity, and a ready obedience did the clergy follow the example and directions of their superiors, and apply the whole power of their body to support the fanatic politics of the day. In their inflammatory sermons they

* Curry, Rev. of the civil wars of Ireland, 2. 261.

excited religious animosity by reviving the most shocking circumstances of the Irish rebellion of 1641, and of the gun-powder plot in England in 1605. These transactions were studiously aggravated, and the crimes, whether real or supposed, committed by Catholics, dead more than a century before, were imputed to all those who survived of the same religious persuasion.*

If the conduct of the bishops and clergy was improper, on account of its inconsistency with those principles of universal charity, that the gospel inculcated, it was still more so, from there being no grounds even of suspicion, that the Catholics were disloyal. Besides, it was indecent in the last degree for those, who were endowed by the state for the purpose only of discharging the functions of a religious profession, to degrade their sacred character by assuming the duties of the civil magistrates, and embarking in all the tumult and passion of political persecution. The conduct of the Catholic priests at this period forms a contrast, by no means creditable to those who teach the superior tolerance of the Protestant religion, and ground their animosities against the Catholics on the supposed illiberality which controuls their principles. This oppressed and indigent body of men, instead of taking offence at the proceedings of the bishops and clergy of the established church, “co-
“ operated with their Protestant brethren, to main-
“ tain order and tranquillity. Their pastoral let-
“ ters, public discourses from the pulpit, and pri-
“ vate admonitions, were equally directed for the
“ service of the government.”† Yet these clergy were the members of that church, the principles of

* Curry Rev. 2. 259.

† Chesterfield's Works, 1. 150 Ir. Ed.

which are stated to be of such a nature by many of the English clergy, as to render it absolutely impossible, that a Catholic can be a good subject.

On the 26th September, 1757, the Duke of Bedford was sworn in Lord Lieutenant. His open declarations of liberal sentiments towards the Catholics, and some communications that were made for the first time since the passing of the ferocious act of Anne to prevent the growth of Popery, of an intention to repeal some part of the penal laws, encouraged them to hope for a change in the system of Irish government. Ten days after his arrival, the Catholic clergy of Dublin, influenced by these communications, read the following exhortation to their respective congregations. It forms the first and a very important document in proof of the sufferings, the resignation, and the loyalty of the Catholic body. It is one peculiarly deserving of attention, as being well calculated to remove the ignorance and prejudices of those who still persist in calumniating the Catholic clergy of Ireland, and representing them as enemies to the King and constitution.

Exhortation of the Roman Catholic Clergy of Dublin, read from their Altars on the 2d of October, 1757.

It is now time, Christians, that you return your most grateful thanks to the Almighty God, who, after visiting you with a scarcity, which approached near unto a famine, has been graciously pleased, like a merciful father, to hear your prayers, and feed you with a plentiful harvest; nor ought you to forget those kind benefactors, who, in the severest times, mindful only of the public good, generously bestowed, without any distinction of persons, those large charities, by which thousands were preserved, who otherwise must have perished the victims of hunger and poverty.

poverty. We ought especially to be most earnest in our thanks to the chief governors and magistrates of the kingdom, and of this city in particular, who, on this occasion, proved the fathers and saviours of the nation. But as we have not a more effectual method of shewing our acknowledgment to our temporal governors, than by an humble, peaceful, and obedient behaviour; as hitherto, we earnestly exhort you to continue in the same happy and Christian disposition, and thus, by degrees, you will entirely efface in their minds those evil impressions, which have been conceived so much to our prejudice, and industriously propagated by our enemies. A series of more than sixty years spent, with a pious resignation, under the hardships of very severe penal laws, and with the greatest thankfulness for the lenity and moderation, with which they were executed, ever since the accession of the present royal family, is certainly a fact which must outweigh, in the minds of all unbiassed persons, any misconceived opinions of the doctrines and tenets of our holy church.

You know that it has always been our constant practice, as ministers of Jesus Christ, to inspire you with the greatest horror for thefts, frauds, murders, and the like abominable crimes; as being contrary to the laws of God and nature, destructive of civil society, condemned by our most holy church, which, so far from justifying them on the score of religion, or any other pretext whatsoever, delivers the unrepenting authors of such criminal practices over to Satan.

We are no less zealous than ever in exhorting you to abstain from cursing, swearing, and blaspheming; detestable vices, to which the poorer sort of our people are most unhappily addicted, and which must, at one time or other, bring down the vengeance of heaven upon you in some visible punishment, unless you absolutely refrain from them.

It is probable, that from hence some people have taken occasion to brand us with this infamous calumny, that we need not fear to take false oaths, and consequently to perjure ourselves; as if we believed that any power upon earth could authorize such damnable practices, or grant dispensations for this purpose. How unjust and cruel this charge is, you know by our instructions to you both in

public and private, in which we have ever condemned such doctrines as false and impious. Others, likewise, may easily know it from the constant behaviour of numbers of Roman Catholics, who have given the strongest proofs of their abhorrence of those tenets, by refusing to take oaths, which, however conducive to their temporal interest, appeared to them entirely repugnant to the principles of their religion.

We must now intreat you, dear Christians, to offer up your most fervent prayers to the Almighty God, who holds in his hands the hearts of kings and princes, beseech him to direct the counsels of our rulers, to inspire them with sentiments of moderation and compassion towards us. We ought to be more earnest at this juncture, in our supplications to heaven; *as some very honourable personages have encouraged us to hope for a mitigation of the penal laws.* Pray then the Almighty to give a blessing to these their generous designs, and to aid their counsels, in such a manner, that, whilst they intend to assist us, like kind benefactors, they may not, contrary to their intentions, by mistaking the means, most irretrievably destroy us.

To conclude, be just in your dealings, sober in your conduct, religious in your practice, avoid riots, quarrels, and tumults; and thus you will approve yourselves good citizens, peaceable subjects, and pious Christians.

Instead, however, of a repeal taking place of any of the penal laws, rumours began very generally to prevail, of its being the intention of government to proceed to carry into effect a bill, that had been prepared by the former administration, for altering the law respecting the registry of the clergy. The existing law, which passed in the reign of Queen Anne, had been found too penal to admit of its being carried into execution; and thus, by an excess of tyranny, was the object of it wholly defeated. In the place of this law, it had been proposed to pass one with such provisions, that it should

should, like the other penal laws, execute itself; and upon this project being now revived, the Catholics, for the first time since 1704, took measures as a body, to vindicate their religious and civil principles. Mr. Charles O'Connor, the celebrated Irish scholar and antiquarian, with the assistance of Dr. Curry, the author of the Review of the Civil Wars of Ireland, and Mr. Wyse, of Waterford, exerted themselves with good effect in persuading their suffering countrymen of the necessity of coming forward to induce their rulers to admit them into a participation of the privileges of the constitution. As a ground-work of their future labour, Dr. O'Keefe, the titular Bishop of Kildare, proposed, at a meeting held at Lord Trimbleston's, a declaration of the principles of their church, as far as they could bear upon their civil duties, to be signed by the chiefs of their body, and published as an answer to the misrepresentations and calumnies they had laboured under since the reformation of the national religion: this declaration was unanimously adopted; it was signed by many clergymen and gentlemen of rank and property, and sent to Rome, as the act and deed of the Irish Catholics. It is as follows:

Whereas certain opinions and principles, inimical to good order and government, have been attributed to the Catholics, the existence of which we utterly deny; and whereas it is at this time peculiarly necessary to remove such imputations, and to give the most full and ample satisfaction to our Protestant brethren, that we hold no principle whatsoever, incompatible with our duty as men or as subjects, or repugnant to liberty, whether political, civil, or religious.

Now we, the Catholics of Ireland, for the removal of all such imputations, and in deference to the opinion of many
R 4
respectable

respectable bodies of men, and individuals among our Protestant brethren, do hereby in the face of our country, of all Europe, and before God, make this our deliberate and solemn declaration :

1st. We abjure, disavow, and condemn the opinion, that princes, excommunicated by the pope and council, *or by any ecclesiastical authority whatsoever*, may therefore be deposed or murdered by their subjects, or any other persons. We hold such doctrine in detestation, as wicked and impious ; and we declare that we do not believe, that either the pope, with or without a general council, *or any prelate or priest, or any ecclesiastical power whatsoever*, can absolve the subjects of this kingdom, or any of them, from their allegiance to his Majesty King George the Third, who is by authority of Parliament, the lawful King of this realm.

2d. We abjure, condemn, and detest, as unchristian and impious, the principle, that it is lawful to murder, destroy, or any ways injure any person whatsoever, for or under the pretence of being heretics ; and we declare solemnly before God, that we believe that *no act, in itself unjust, immoral, or wicked, can ever be justified or excused by, or under pretence or colour, that it was done either for the good of the church, or in obedience to any ecclesiastical power whatsoever.*

3d. We further declare, that we hold it as an unchristian and impious principle, that “ no faith is to be kept with heretics.” This doctrine we detest and reprobate, not only as *contrary* to our religion, but as destructive of morality, of society, and even of common honesty ; and it is our firm belief, that an oath made to *any* person, not of the Catholic religion, is equally binding as if it were made to any Catholic whatsoever.

4th. We have been charged with holding as an article of our belief, that the pope, with or without the authority of a general council, or that certain ecclesiastical powers can acquit and absolve us, before God, from our

oath of allegiance, or even from the just oaths and contracts entered into between man and man.

Now we do utterly renounce, abjure, and deny, that we hold or maintain any such belief, as being contrary to the peace and happiness of society, inconsistent with morality, and above all, *repugnant to the true spirit of the Catholic religion.*

5th. We do further declare, that we do not believe that the pope of Rome, or any other prince, prelate, state, or potentate, hath, or ought to have, any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm.

6th. After what we have renounced, it is immaterial, in a political light, what may be our opinion or faith in other points, respecting the pope: however, for greater satisfaction we declare, that it is *not* an article of the Catholic faith, neither are we thereby required to believe or profess, “that the pope is infallible,” or that we are bound to obey any order, in its own nature immoral, though the pope, or any ecclesiastical power, should issue or direct such order; but, *on the contrary*, we hold, that it would be *sinful* in us to pay any respect or obedience thereto.

7th. We further declare, that we do not believe that any sin whatsoever, committed by us, can be forgiven at the mere will of any pope, or of any priest, or of any person or persons whatsoever; but, that *sincere sorrow for past sins*, a firm and sincere resolution, as far as may be in our power, to restore our neighbour’s property or character, if we have trespassed on, or unjustly injured either; *a firm and sincere resolution to avoid future guilt*, and to atone to God, are *previous and indispensable* requisites to establish a well-founded expectation of forgiveness; and that any person who receives absolution without these previous requisites, so far from obtaining thereby any remission of his sins, incurs the additional guilt of violating a sacrament.

8th. We do hereby solemnly disclaim, and for ever renounce all interest in, and title to all forfeited lands, resulting from any rights, or supposed rights, of our ancestors

tors, or any claim, title, or interest therein ; nor do we admit any title, as a foundation of right, which is *not established and acknowledged by the laws of the realm, as they now stand*. We desire further, that whenever the patriotism, liberality, and justice of our countrymen, shall restore to us a participation in the elective franchise, no catholic shall be permitted to vote at any election for members to serve in parliament, until he shall previously take an oath *to defend to the utmost of his power, the arrangement of property in this country, as established by the different acts of attainder and settlement*.

9th. It has been objected to us, that we wish to subvert the present church establishment, for the purpose of substituting a Catholic establishment in its stead: Now, we do hereby disclaim, disavow, and solemnly abjure any such intention ; and further, if we shall be admitted into any share of the constitution, by our being restored to the right of elective franchise, we are ready, in the most solemn manner, to declare, that we will not exercise that privilege to disturb and weaken the establishment of the Protestant religion, or Protestant government in this country.

Though this declaration did not produce any change of conduct on the part of the English government at that time, its failure can only be attributed to the obstinacy with which the principle of governing Ireland, upon the system of separate interests between the Protestants and Catholics, was adhered to. That system is now happily exposed ; and, though of late attempted to be revived by his Majesty's present Ministers, the intelligence and liberality of the present race of Irish Protestants has completely counteracted their designs. This declaration, though at first ineffectual, was re-published in 1792, and may surely be expected at last to open the eyes of mankind to the true character of the Irish Catholic, and to secure
to

to them the reward which it deserves, the unlimited confidence of their King and fellow subjects, and the entire restoration of their constitutional rights.

In the year 1759, when it was known that a French force, under the command of Conflans, was collected to invade Ireland, the conduct of the Catholics on this, as it had uniformly been on similar occasions, was loyal in the extreme. Mr. O'Connor, Dr. Curry, and Mr. Wyse, had sometime before, in 1757, succeeded in establishing a general committee of the Catholic body, formed by delegates of parishes, and the principal Catholic nobility and gentry. As soon as this invasion was announced to Parliament by a message from the Duke of Bedford, this committee was summoned to meet; and Mr. O'Connor having submitted to it the following address to the Lord Lieutenant, it was unanimously approved of.

May it please your Grace,

We, his Majesty's dutiful and faithful subjects, the Roman Catholic gentlemen, merchants, and citizens of Dublin, do, with the greatest respect, approach the illustrious representative of the best of Kings, with our hearty congratulations on those glorious successes, by sea and land, which have attended his Majesty's arms, in the prosecution of this just and necessary war.

We gratefully acknowledge the lenity extended to us by his most sacred Majesty, and by his royal father, of happy memory. Our allegiance, may it please your Grace, is confirmed by affection and gratitude; our religion commands it; and it shall be our invariable rule firmly and inviolably to adhere to it.

We are called to this duty, at the present time in particular, when a foreign enemy is meditating desperate attempts to interrupt the happiness and disturb the repose, which these kingdoms have so long enjoyed, under a Monarch,

narch, who places his chief glory in proving himself the common father of all his people : and we sincerely assure your Grace, that we are ready and willing, to the utmost of our abilities, to assist in supporting his Majesty's government against all hostile attempts whatsoever.

Whenever, my Lord, it shall please the Almighty, that the legislative power of this realm shall deem the peaceable conduct of his Majesty's Catholic subjects of Ireland, for many years past, an object worthy of its favourable attention, we humbly hope means may then be devised, to render so numerous a body more useful members to the community, and more strengthening friends to the state, than they could possibly have hitherto been, under the restraint of the many penal laws against them. We most humbly beseech your Grace to represent to his Majesty these sentiments and resolutions of his Majesty's faithful subjects, the Roman Catholics of this metropolis, who sincerely wish, that a peace honourable to his Majesty, and advantageous to his kingdoms, may be the issue of the present war ; and that the people of Ireland may be long governed by your Grace, a Viceroy, in whom wisdom, moderation, and justice, are so eminently conspicuous.

On that occasion, also, the wealthy individuals of this persuasion, offered to accommodate the government with large sums of money, in case of necessity, to support the Protestant establishment against all its enemies ; and the Catholics of the city of Cork, in a body, presented an address to the Lord Lieutenant, expressing their loyalty in the warmest terms of assurance. They professed the warmest indignation at the threatened invasion of the kingdom, by an enemy vainly flattered with the imaginary hope of assistance in Ireland, from the former attachments of their deluded predecessors. They assured his Grace, that such schemes were altogether inconsistent with their principles and intentions ; and that they would, to the utmost exertion of their abilities, with their
lives

lives and fortunes, join in the defence and support of his Majesty's royal person and government, against all invaders whatsoever.*

These circumstances are proofs of no ordinary fidelity in the Irish Catholics to the House of Brunswick. They were, however, of no avail in mitigating the rigour of the magistracy in the execution of the penal laws, or in inducing the British Government to repeal any part of them; for the reign of George II. closed without any grateful acknowledgment being made to them for the steadiness, the moderation, and the loyalty, which they had displayed on so many trying occasions.

GEORGE III.

Though the first measure of this reign, the royal recommendation to Parliament to make the judges independent of the crown, bespoke the determination of his Majesty to respect the feelings and confirm the rights and liberties of his subjects; still the unfortunate Catholics of Ireland were doomed to suffer under new pains and penalties.

In the year 1776, an act of parliament was passed,† by which one or more justices of the peace, and all sheriffs and chief magistrates of cities and towns corporate, within their respective jurisdictions, may from time to time, as well by night as by day, search for and seize all arms and ammunition belonging to any Papist not entitled to keep

* Smollett's History of England, 4, 69.

+ 15th and 16th Geo. III. c. 21. § 15.

the same, or in the hands of any person in trust, for a Papist ; and for that purpose enter any dwelling-house, out-house, office, field, or other place belonging to a Papist, or to any other person where such magistrate has reasonable cause to *suspect* any such arms or ammunition shall be concealed ; and *on suspicion*, after search, may summon and examine on oath, the person *suspected* of such concealment.

By the 17th clause of this act, Papists refusing to deliver up or declare such arms as they, or any with their privity, have, or hindering the delivery, or refusing to discover on oath, or without cause neglecting to appear on summons to be examined before a magistrate concerning the same, shall, on conviction, be punished by fine and imprisonment, or *such corporeal punishment of pillory or whipping*, as the Court shall in their discretion think proper.

In the year 1782, a clause was introduced into an act,* by which no person shall be admitted into the Society of King's Inns as a student, who shall not, at the time of his admission, be a Protestant.

In the same year, an act† was passed, by the 3d clause of which, all statutes made in England or Great Britain, and all such clauses and provisions contained in any statute there made, as relate to the taking any oath or oaths, or making or subscribing any declaration in Ireland, or to any penalty or disability for omitting the same, shall be accepted, used, and executed in Ireland.

This act referred to : 1st, the English act of 3d William and Mary, c. 2. sect. 1, 4, 5, 6, 7, by

* 21st and 22d Geo. III. c. 32. § 2.

† 21st and 22d Geo. III. c. 48. § 3.

which

which the oath of supremacy mentioned in 2 Eliz. 1. c. 1. is abrogated, and a new oath of supremacy is required to be taken by all persons admitted in Ireland to hold any civil or military office, and by members of both Houses of Parliament: 2dly, to the English act of 1st Anne, stat. 2. c. 17. requiring all persons to take the oath of abjuration, prescribed by the English acts of 13th Wm. III. c. 6. and 1st Anne, st. 1. c. 22d: 3dly, to the English act of 6th Geo. III. c. 53. § 2. declaring that from the 1st August, 1776, the oath of abjuration, by this act appointed to be taken in Great Britain, shall be the oath of abjuration, to be taken in Ireland.

Though this clause of the 21st and 22d of Geo. III. c. 48. has attracted very little public attention, it was of no less import than that of being the first legal exclusion of Catholics from sitting in the Irish Parliament. They had been excluded *de facto* by their voluntary submission to the English act of 3d William and Mary, but not *de jure* till this act of 21st and 22d Geo. III. which made the act of 3d William and Mary just mentioned, binding in Ireland.*

This

* The first Irish parliament summoned by William, having met on the 5th of October 1692, immediately after the election of a speaker and his being seated, "a motion was made for the reading of a late act of parliament, made in England in the third year of their majesties reign, intituled 'An act for abrogating the oath of supremacy in Ireland, and appointing other oaths,' upon reading whereof, the house immediately proceeded to the swearing of their members, and they being sworn the house adjourned." (*Irish Com. Jour.* 2. P. 9.)

It does not appear by the Journals that any objection was made to this motion, or that any Catholic had been elected to serve in this parliament, notwithstanding this English act was not binding in Ireland. Nor is any mention made in the historians
of

This circumstance, which has always been overlooked, even by the Catholics themselves, proves how readily they have been inclined at all times to submit to the authority of Government. And it also proves how unfounded those arguments are, which maintain that the exclusion of the Catholics of Ireland from Parliament, is a principle on which the family of his Majesty was placed upon the throne. It completely overturns the system of erroneous reasoning concerning the coronation oath, which of late has been so common ; and, so far as the meaning of this oath is at issue, it reduces the question to this simple point, whether the king can conscientiously place the Catholics of Ireland in the same condition, with respect to sitting in Parliament, in which they had continued till the twenty-second year of his own reign.

In 1785 an act was passed* for granting 4000*l.* to be expended in apprentice fees, to such tradesmen or manufacturers, as should take children from charter-schools or the Foundling Hospital ; but it was expressly provided that the children should be bound to none but Protestant tradesmen and manufacturers.

The whole code of the penal statutes against the Catholics of Ireland is now laid before the view of the reader, under which they so long and so patiently languished ; statutes unexampled for their inhumanity, their unwarrantableness, and their impolicy, which were adopted to exterminate a race of men already crushed and broken by the longest series

of that day, concerning the grounds upon which the Catholics submitted to it. The submissive forbearance of them under a most severe extension of the penal code, is the only point relating to them, which has arrested their notice. *Plowden*, 1. 198.

* 25th of George III. c. 48 § 11. and 12.

of calamities which one nation had ever the opportunity of inflicting upon another. They were framed against Christians under the pretence of securing religion ; they were the work of Protestants, than whom no sect has cried out more loudly against persecution when Protestants were the martyrs. They were sanctioned by a nation who owed its liberties, and by monarchs who owed their throne, to a solemn covenant that such penal disabilities should never exist.* Here may we not inquire, if the English nation, legislature, and king, have not a duty to fulfil towards the Irish Catholics even greater than that of justice—a duty of compunction, of repentance, and atonement ? The faith of a solemn treaty made with them has been broken : it is not enough that it has been in part re-established, it ought to be religiously fulfilled. They have been ruled with tyranny : it is not enough that the tyranny should be relaxed, it should cease altogether. They have been driven from the pale of the Constitution : it is not enough that they should be allowed to pass its barriers, they should range free and uncontrouled through all its rights.

That this system of slow political torture, was not warranted by any alleged delinquency on their part is notorious, for it was devised and perfected in times of profound tranquillity. That they were not deserving even of the suspicion of being disloyal subjects, is proved by their signal forbearance, which has preserved the empire from the calamitous consequences of such flagitious misgovernment ; and that, on the contrary, they fully merited the confidence and protection of the legislature, no fair

* See the articles of Limerick, *supra*.

and candid mind can deny, when it gives to their conduct, in strictly adhering to the stipulations of the treaty of Limerick, and to their allegiance to the house of Brunswick, the just value to which it is entitled.

Having now reached the utmost point to which the penal statutes extended, which seems to be as far as human invention, quickened by mixed feelings of alarm, of bigotry, and of pride, could go, we should not be excusable on general grounds, if we neglected to record its effects.

But there is even a nearer interest in this examination. At a period when the state of Ireland so much occupies the attention of the legislature and of the public ; when it is admitted on all sides, that the prosperity and security of England herself must rise or fall with the prosperity and security of Ireland ; and when the events of each succeeding day prove the absolute necessity of some measures to ameliorate her condition and shew that things cannot go on, as they are, without the inevitable destruction of the British empire ; it will be of great importance to be able to form an accurate opinion upon the effects which were the result of the penal statutes.

It appears from unquestionable authority, that, during the interval that elapsed between the surrender of Limerick, and the total infraction of the treaty in 1704, by the act to prevent the further growth of Popery, the toleration which the Catholics experienced by virtue of that treaty, produced its natural consequences. The security they enjoyed restored industry and plenty of all things : useful arts were introduced ; the land cultivated ; and a fine island, reduced to a desert by the late war, soon assumed a new face. In fact, Ireland was never
happier

happier than during this interval of religious toleration.* Of the effects of the penal laws in entirely reversing this order of things, lord Taffe, in his valuable tract on Irish affairs, gives the following description. "Those penalties and interdicts (by the laws of Anne) had their natural effects in the dispeopling greatly the three fine provinces, wherein the bulk of Catholics reside. They took their effect in putting a stop to the cultivation began in King William's reign. No sooner were the Catholics excluded from durable and profitable tenures, than they commenced graziers, and laid aside agriculture: they ceased from draining and enclosing their farms, and building good houses, as occupations unsuited to the new part assigned them in our national economy. They fell to wasting the lands they were virtually forbid to cultivate, the bussiness of pasturage being compatible with such a conduct, and requiring also little industry and less labour in the management."†

In the year 1723, the wretchedness of the people of Ireland was so great, that the duke of Grafton, in a speech from the throne, recommended parliament to take measures for relieving them. The distress, however, continued; and in a petition presented to the House of Commons, in the same year, by the woollen manufacturers, they say, "that the woollen manufacture of this kingdom, which is confined to our own consumption, has of late been so considerably lessened, that several thousand families have been forced to beg alms and

* Observations on the Affairs of Ireland, by lord Taffe, p. 4.
 † Ibid. p. 11.

“lately been made throughout the whole city to relieve them.”*

Primate Boulter, in a letter of the 25th of March, 1722, to the duke of Newcastle, bears testimony to this wretched state of Ireland; he says, “Since I came here in the year 1725, there was almost a famine amongst the poor; last year the dearness of corn was such, that thousands of families quitted their habitations, to seek bread elsewhere, and many hundreds perished:”† again on the 23rd of November, 1728, he says, in writing to the duke, “I am sorry I am obliged to give your grace so melancholy an account of the state of the kingdom, as I shall in this letter.”

But one of the most pernicious effects of these penal laws was the emigration of the principal Catholic families to the continent. They carried with them what would otherwise have been the materials of the civilization, tranquillity and prosperity of their own country; they left the mass of the Catholic population, without the influence of men of education and property, to direct and controul their conduct; and in the place of serving their own native land, they filled with the highest credit to themselves the situation of statesmen and generals, in those nations which were hostile to the interests of Great Britain.

Of the visible effect these laws had produced in their avowed objects of propagating the Protestant religion, and promoting the national prosperity, it is impossible to give a more able or a more accurate description than the following, by Mr. Arthur “charity of good christians; and that a collection

* Com. Jour. v. 3. p. 24.

† Letters, p. 226.

Young, who was in Ireland at the period we now treat of : * “ While property lay exposed to the practices of power, the great body of the people, who had been stripped of their all, were more enraged than converted : they adhered to the persuasion of their forefathers, with the steadiest and most determined zeal ; while the priests, actuated by the spirit of a thousand inducements, made proselytes among the common Protestants, in defiance of every danger. And the great glaring fact yet remains, and is even admitted by the warmest advocates for the laws of discovery that the established religion has not gained upon the Catholic in point of numbers ; on the contrary, that the latter has been rather on the increase. Public lists have been returned from the several dioceses which confirm this fact ; and the intelligence I received on my journey spoke the same language.

“ As it is the great body of the common people that forms the strength of a country, when willing subjects, and its weakness when ill-affected, this fact is a decision of the question : After seventy years undisturbed operation, the system adopted in Queen Anne’s reign has failed in this great aim, and meets at this day with a more numerous and equally determined body of Catholics, than it had to oppose when first promulgated.—Has not the experience of every age and every nation, proved that the effect is invariable and universal ? Let a religion be what it may, and under whatever circumstances, no system of persecution ever yet had any other effect, than to confirm its professors in their tenets, and spread their doctrines, instead of restraining them. The great

* 1778.

“plea of the Roman Catholic priests, and their
 “merit with their congregations, are the dangers
 “they hazard, and the persecutions they suffer for
 “the sake of their faith ; arguments that have, and
 “ever will have weight, while human nature con-
 “tinues formed of its present materials.

“But if these exertions of a succession of igno-
 “rant legislatures have failed continually in propa-
 “gating the religion of government, much more
 “have they failed in the great object of natural
 “prosperity. The only considerable manufacture
 “in Ireland, which carries in all parts the appear-
 “ance of industry, is the linen, and it ought never
 “to be forgotten that this is solely confined to the
 “Protestant parts of the kingdom. The poor Ca-
 “tholics in the south of Ireland spin wool general-
 “ly, but the purchaser of their labour, and the whole
 “worsted trade, is in the hands of the Quakers of
 “Clonmel, Carrick and Bandon, &c. The fact is,
 “the professors of that religion are under such
 “discouragements, that they cannot engage in
 “any trade which requires both industry and ca-
 “pital. If they succeed and make a fortune, what
 “are they to do with it ? They can neither buy
 “land, nor take a mortgage, nor even fine down
 “the rent of a lease. Where is there a people in
 “the world to be found industrious under such
 “circumstances ?

“It is no superficial view I have taken of this
 “matter in Ireland ; and being at Dublin at the
 “time a very trifling part of these laws was agi-
 “tated in parliament, I attended the debates, with
 “my mind open to conviction, and an auditor for
 “the mere purposes of information. I have con-
 “versed on the subject with most distinguished
 “characters

“ characters of the kingdom, and I cannot after
 “ all but declare that the scope, purport, and aim
 “ of the laws of discovery, as executed, are not
 “ against the Catholic religion, which increases
 “ under them, but against the industry and pro-
 “ perty of whosoever professes that religion. In
 “ vain has it been said, that consequence and pow-
 “ er follow property, and that the attack is made
 “ in order to wound the doctrine through its pro-
 “ perty. If such was the intention, I reply, that
 “ seventy years experience prove the folly and
 “ futility of it. Those laws have crushed all the
 “ industry, and wrested most of the property from
 “ the Catholics; but the religion triumphs; it is
 “ thought to increase. Those who have handed
 “ about calculations to prove a decrease, admit on
 “ the face of them, that it will require 4000 YEARS
 “ to make converts of the whole, supposing the
 “ work to go on in future, as it has in the past time.
 “ But the whole pretence is an affront to common
 “ sense, for it implies, that you will lessen a reli-
 “ gion, by persecuting it: all history and expe-
 “ rience condemn such a proposition.

“ The system pursued in Ireland has had no
 “ other tendency but that of driving out of the
 “ kingdom all the personal wealth of the Catho-
 “ lics, and prohibiting their industry within it.
 “ The face of the country, every object, in short,
 “ which presents itself to the eye of a traveller,
 “ tells him how effectually this has been done. I
 “ urge it not as an argument, the whole kingdom
 “ speaks it as a fact. We have seen that this con-
 “ duct has not converted the people to the religion
 “ of government; and instead of adding to the in-
 “ ternal security, it has endangered it: if there-
 “ fore

“ fore it does not add to the national prosperity,
 “ for what purpose, but that of private tyranny,
 “ could it have been embraced and persisted in?
 “ Mistaken ideas of private interest account for the
 “ actions of individuals; but what could have in-
 “ fluenced the British government to permit a sys-
 “ tem which must inevitably prevent the island
 “ from even becoming of the importance which
 “ nature intended?”*

Of the state of the agriculture of Ireland at this period, a tolerable accurate idea may be formed from the words of the same author.—“ I have
 “ reason to believe that five pounds sterling per
 “ English acre, expended all over Ireland, which
 “ amounts to 88,341,136l. would not more than
 “ build, fence, plant, drain and improve that coun-
 “ try, to be upon a par in those respects with Eng-
 “ land.”† The prices also of the produce of land, afford proof of the general poverty of the kingdom. In 1778, butter sold for $5\frac{3}{4}$ d. per lb.—mutton, $2\frac{3}{4}$ d. beef, $2\frac{1}{2}$ d.—pork, $2\frac{1}{4}$ d.—veal, $3\frac{1}{2}$ d.—a fat turkey for $10\frac{3}{4}$ d.—a goose for $8\frac{1}{2}$ d.—and a chicken for $2\frac{1}{2}$ d.

From these several authorities upon the state of Ireland in 1778, much information may be collected concerning the causes of many of those peculiar circumstances which, at this day, belong to that country. If it is asked, why the people of Ireland are so illiterate? The answer that presents itself is, look to the penal laws, that deprived them, till a late period, of education. If it is asked, why they are poor? The same answer must be given, look

* Young's Tour, vol. 2. 135. Eng. Ed.

† Young's Tour, App.

to the penal laws. If it is asked, why the lower orders eat vegetables only, and live in hovels? Still the same answer, look to the penal laws. If it is asked why there is no class of yeomanry in Ireland like that in England? The answer is, because the penal laws prohibited industry, and prevented the small landholder from acquiring either property or consequence in the one country, as he might do in the other. If it is asked, why the people are discontented and dislike England? This answer only can be given, because from England they received this penal code, under which they have endured, for above a century, every species of calamity, contrary to the positive stipulations of a sacred and solemn treaty.

It was in the year 1774, that the Irish legislature passed the first act towards conciliating the Catholics, “an act to enable his majesty’s subjects, of
“ whatever persuasion, to testify their allegiance to
“ him.”* Which is as follows :

Whereas many of his Majesty’s subjects in this kingdom are desirous to testify their loyalty and allegiance to his Majesty, and their abhorrence of certain doctrines imputed to them, and to remove jealousies which hereby have for a length of time subsisted between them, and others his Majesty’s loyal subjects ; but upon account of their religious tenets are, by the laws now in being, prevented from giving public assurances of such allegiance, and of their real principles, and good will, and affection towards their fellow subjects ; in order, therefore, to give such persons an opportunity of testifying their allegiance to his Majesty, and good will towards the present constitution of this kingdom, and to promote peace and industry amongst the inhabitants thereof, be it enacted by the King’s most ex-

* 13 and 14th Geo. III. c. 35.

cellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of June, one thousand seven hundred and seventy-four, it shall and may be lawful for any person professing the Popish religion, to go before the Judges of his Majesty's Court of King's Bench, any Justice of Peace for the county in which he does or shall reside, or before any magistrate of any city or town corporate, wherein he does or shall reside, and there take and subscribe the oath of allegiance and declaration, herein after-mentioned; which oath and declaration such Judges of the King's Bench, Justices of the Peace and Magistrates, are hereby enabled and required to administer.

“ I A. B. do take Almighty God, and his only son Jesus Christ my Redeemer, to witness, that I will be faithful and bear true allegiance to our most gracious Sovereign Lord King George the Third, and him will defend to the utmost of my power against all conspiracies and attempts whatever, that shall be made against his person, crown, and dignity; and I will do my utmost endeavour to disclose and make known to his Majesty and his heirs, all treasons and traitorous conspiracies which may be formed against him or them; and I do faithfully promise to maintain, support, and defend, to the utmost of my power, the succession of the crown in his Majesty's Family, against any person or persons whatsoever; hereby utterly renouncing and abjuring any obedience or allegiance unto the person taking upon himself the style and title of Prince of Wales in the life-time of his father, and who, since his death, is said to have assumed the style and title of King of Great Britain and Ireland, by the name of Charles the Third, and to any other person claiming or pretending a right to the Crown of these realms; and I do swear, that I do reject and detest as unchristian and impious to believe, that it is lawful to murder or destroy any person or persons whatsoever, for or under pretence of their being hereticks; and also that unchristian and impious principle, that no faith is to be kept with hereticks; I further declare, that it is no article of my faith, and that I do renounce, reject, and abjure

jure the opinion, that Princes excommunicated by the Pope and Council, or by any authority of the See of Rome, or by any authority whatsoever, may be deposed and murdered by their subjects, or by any person whatsoever; and I do promise, that I will not hold, maintain, or abet, any such opinion, or any other opinion contrary to what is expressed in this declaration; and I do declare that I do not believe that the Pope of Rome, or any other foreign Prince, Prelate, State, or Potentate, hath or ought to have any temporal or civil jurisdiction, power, superiority, or pre-eminence, directly or indirectly, within this realm, and I do solemnly, in the presence of God, and of his only Son Jesus Christ my Redeemer, profess, testify, and declare, that I do make this declaration, and every part thereof, in the plain and ordinary sense of the words of this oath, without any evasion, equivocation, or mental reservation whatever, and without any dispensation already granted by the Pope, or any authority of the See of Rome, or any person whatever; and without thinking that I am or can be acquitted before God or man, or absolved of this declaration, or any part thereof, although the Pope, or any other person or persons, or authority whatsoever, shall dispense with, or annul the same, or declare that it was null and void from the beginning.*

“ So help me God.”

And be it enacted by the authority aforesaid, that the officer of the Court of King's Bench, justices of the peace, and magistrates of the city and towns corporate, shall yearly, within twenty-one days after the first of December, return to the Clerk of the Privy Council of this kingdom, or his deputy, a true and perfect list, under his or their hand, of every such Papist as shall, in the course of the preceding year, have taken and subscribed such oath, in which list the quality, condition, title, and place of abode of such Papist, shall be specified.

About the same time, fearing that their grievances were not known to his Majesty, the

* See App. Note B.

Catholics prepared a Petition; which was presented to Lord Buckinghamshire by Lord Fingal, Mr. Preston and Mr. Dermot, in order that it might be transmitted by him to the King.

To the King's most Excellent Majesty, the humble Address and Petition of the Roman Catholics of Ireland.

Most Gracious Sovereign,

We your Majesty's most dutiful subjects, the Roman Catholics of your kingdom of Ireland, with hearts full of loyalty, but overwhelmed with affliction, and depressed by our calamitous and ruined circumstances, beg leave to lay at your Majesty's feet, some small part of those numerous and insupportable grievances under which we have long groaned, not only without any act of disobedience, but even without murmur or complaint; in hopes that our inviolable submission and unaltered patience under those severe pressures, would fully confute the accusation of seditious principles, with which we have been unfortunately and unjustly charged.

We are deeply sensible of your Majesty's clemency, in moderating the rigorous execution of some of the laws against us: but we humbly beg leave to represent, that several, and those the most severe and distressing of those laws, *execute themselves with the most fatal certainty*, and that your Majesty's clemency cannot, in the smallest degree, interpose for their mitigation, otherwise your Roman Catholic subjects would most cheerfully acquiesce in that resource, and rest with an absolute and unbounded assurance on your Majesty's princely generosity, and your pious regard to the rights of private conscience.

We are, may it please your Majesty, a numerous and very industrious part of your Majesty's subjects, and yet by no industry, by no honest endeavours on our part, is it in our power to acquire or to hold, almost any secure or permanent property whatsoever; we are not only disqualified to purchase, but are disabled from occupying any land, even in farm, except on a tenure extremely scanty both in profit and in time; and if we should venture to

expend any thing on the melioration of land thus held, by building, by inclosure, by draining, or by any other species of improvement, so very necessary in this country ; so far would our services be from bettering our fortunes, that these are precisely the very circumstances, which, as the law now stands, must necessarily disqualify us from continuing those farms, for any time in our possession.

Whilst the endeavours of our industry are thus discouraged, (no less, we humbly apprehend, to the detriment of the national prosperity, and the diminution of your Majesty's revenue, than to our particular ruin) there are a set of men, who, instead of exercising any honest occupation in the commonwealth, make it their employment to pry into our miserable property, to drag us into the courts, and to compel us to confess on our oaths, and under the penalties of perjury, whether we have, in any instance, acquired a property, in the smallest degree exceeding what the rigour of the law has admitted ; and in such case the informers, without any other merit than that of their discovery, are invested (to the daily ruin of several innocent, industrious families) not only with the surplus in which the law is exceeded, but in the whole body of the estate, and interest so discovered, and it is our grief that this evil is likely to continue and increase, as informers have, in this country, almost worn off the infamy, which, in all ages, and in all other countries, has attended their character, and have grown into some repute by the frequency and success of their practices.

And this most gracious Sovereign, though extremely grievous, is far from being the only or most oppressive particular, in which our distress is connected with the breach of the rules of honour and morality. By the laws now in force in this kingdom, a son, however undutiful or profligate, shall, merely by the merit of conforming to the established religion, not only deprive the Roman Catholic father of that free and full possession of his estate, that power to mortgage or otherwise dispose of it, which the exigencies of his affairs may require ; but shall himself have full liberty immediately to mortgage or otherwise alienate the reversion of that estate, from his family for ever ; a regulation by which a father, contrary to the order of nature, is put under the power of his son, and
through

through which an early dissoluteness is not only suffered, but encouraged, by giving a pernicious privilege, the frequent use of which has broken the hearts of many deserving parents, and entailed poverty and despair on some of the most ancient and opulent families in this kingdom.

Even when the parent has the good fortune to escape this calamity in his life-time, yet he has at his death, the melancholy and almost certain prospect of leaving neither peace nor fortune to his children ; for by that law, which bestows the whole fortune on the first conformist, or, on non-conformity, disperses it among the children, incurable jealousies and animosities have arisen ; a total extinction of principle and of natural benevolence has ensued ; whilst we are obliged to consider our own offspring and the brothers of our own blood, as our most dangerous enemies ; the blessing of providence on our families, in a numerous issue, is converted into the most certain means of their ruin and depravation : we are, most gracious Sovereign, neither permitted to enjoy the few broken remains of our patrimonial inheritance, nor by our industry to acquire any secure establishment to our families.

In this deplorable situation, let it not be considered, we earnestly beseech your Majesty, as an instance of presumption or discontent, that we thus adventure to lay open to your Majesty's mercy, a very small part of our uncommon sufferings ; what we have concealed under a respectful silence, would form a far longer, and full as melancholy a recital ; we speak with reluctance, though we feel with anguish ; we respect from the bottom of our hearts that legislation under which we suffer ; but we humbly conceive it is impossible to procure redress without complaint, or to make a complaint, that by some construction may not appear to convey blame : and nothing we assure your Majesty, should have extorted from us even these complaints, but the strong necessity we find ourselves under of employing every lawful, humble endeavour, lest the whole purpose of our lives and labours should prove only the means of confirming to ourselves, and entailing on our posterity, inevitable beggary, and the most abject servitude ; a servitude the more intolerable, as it is suffered amidst that liberty, that peace, and that security, which, under your Majesty's benign influence, is spread all around
us,

us, and which we alone, of all your Majesty's subjects, are rendered incapable of partaking.

In all humility we implore, that our principles may not be estimated by the inflamed charge of controversial writers, nor our practices measured by the events of those troubled periods, when parties have run high (though these have been often misrepresented, and always cruelly exaggerated to our prejudice) ; but that we may be judged by our own actions, and in our own times ; and we humbly offer it to your most equitable and princely consideration, that we do not rest the proof of our sincerity on words, but on things ; on our dutiful, peaceable, submissive behaviour for more than fourscore years : and though it will be considered as too severe to form any opinion of great bodies, by the practice of individuals, *yet if in all that time, amongst all our people, in the daily increase of severe laws against us, one treasonable insurrection, or one treasonable conspiracy can be proved ; if amongst our clergy, one seditious sermon can be shewn to have been preached ;* we will readily admit that there is good reason for continuing the present laws in all their force against us ; but if, on the contrary, (we speak in full confidence), it can be shewn, that our clergy have ever exerted their utmost endeavours to enforce submission to your Majesty's government, and obedience to your laws ; if it can be shewn that these endeavours have always been most strenuous in times of public danger, or when any accident tended to create a ferment amongst the people ; if our laity have frequently offered (what we are always ready to fulfil) to hazard their lives and fortunes for your Majesty's service ; if we have willingly bound up the fruits of our discouraged industry with the fortune of your Majesty's government in the public loans ; then, we humbly hope, we may be admitted to a small portion of mercy, and that that behaviour, which your Majesty's benignity and condescension will esteem a merit in our circumstances, may entitle us, not to reward, but to such toleration as may enable us to become useful citizens to our country, and subjects as profitable, as we are loyal to your Majesty.

Permit us, most gracious Sovereign, on this occasion, to reiterate the assurances of our unshaken loyalty, which all our sufferings have not been able to abate ; of our sincere

cere zeal for your Majesty's service, of our attachment to the constitution of our country, and of our warmest gratitude for your Majesty's continual indulgence, and for the late instance of favour we have experienced from Parliament, in enabling us, consistent with our religious tenets, to give a legal proof of our sentiments upon these points. And we humbly hope, that the alacrity and eagerness with which we have seized this first, though long wished opportunity of testifying, in the most solemn and public manner, our inviolable fidelity to your Majesty, our real principles, and our good-will and affection towards our fellow-subjects, will extinguish all jealousies, and remove those imputations, which alone have hitherto held us forth in the light of enemies to your Majesty, and to the state. And if any thing farther can be suggested or devised, whereby we can, by our actions, more fully evince our sincerity, we shall consider such an opportunity of demonstrating our real loyalty, as an high favour, and shall be deficient in no act whatever, which does not amount to a renunciation of that religious profession which we value more than our lives, and which it cannot be suspected we hold from obstinacy or a contempt of the laws, since it has been taken up by ourselves, but has, from time immemorial, been handed down to us from our ancestors.

We derive no small consolation, most gracious Sovereign, from considering, that the most severe and rigorous of the laws against us had been enacted before the accession of your Majesty's most illustrious House to the Throne of these kingdoms : we therefore indulge the more sanguine hopes, that the mitigation of them, and the establishment of peace, industry, and universal happiness, amongst all your loyal subjects, may be one of the blessings of your Majesty's reign. *And though we might plead in favour of such relaxation, the express words of a solemn treaty, entered into with us, by your Majesty's royal predecessor, King William; (which has been forfeited by no disobedience on our part), yet we neither wish, nor desire, to receive any thing, but as a mere act of your Majesty's clemency, and of the indulgence and equity of your Parliament.*

That this act of truly loyal beneficence and justice may be added to the other instances of your Majesty's august
virtues

virtues, and that the deliverance of a faithful and distressed people may be one of those distinguishing acts of your reign, which shall transmit its memory to the love, gratitude, and veneration, of our latest posterity, is the humble prayer of, &c. &c.*

In the year 1778,† an act passed “for the relief of his Majesty’s subjects of this kingdom, professing the Popish religion.” The preamble of which contains a confirmation of every thing that has been already advanced, concerning the loyalty of the Catholics, and a declaration on the part of the King and Parliament, respecting the policy of admitting the Catholics into a full participation of the blessings of the Constitution, which is a complete recognition of their right to enjoy them. It states, “And Whereas, from their uniform peaceable behaviour for a long series of years, it appears reasonable and expedient to relax the same, (the laws of Anne); and it must tend not only to the cultivation and improvement of this kingdom, but to the prosperity and strength of all his Majesty’s dominions, *that his subjects of all denominations, should enjoy the blessings of a free constitution, and should be bound to each other by mutual interest and mutual affection, &c.*”

By this act Papists, provided they take the oath of declaration of 13th and 14th of Geo. III. c. 35. are admitted to the following privileges.—They may take land on leases not exceeding 999 years, or determinable upon any number of lives not exceeding five.

The lands of Papists are to be descendable, deviseable, and transferable, as fully as if the same

* This petition is from the pen of Mr. Burke.

† 17th and 18th of Geo. III. c. 49.

were in the seizure of any other of his Majesty's subjects.

Papists are rendered capable to hold and enjoy all estates which may descend, be devised or transferred to them.

No maintenance is to be hereafter granted to a conforming child of a Papist, out of the personal property of such Papist, except out of such leases as may be taken under this act.

And the conformity of the eldest son is not to alter hereafter the Popish parent's estate.

In the year 1782, another act passed "for the further relief of his Majesty's subjects of this kingdom, professing the Popish religion."*

The preamble of this act states: "Whereas, all such of his Majesty's subjects in this kingdom, of whatever persuasion, as have heretofore taken and subscribed, or shall hereafter take and subscribe, the oath of allegiance and declaration prescribed by an act passed in the 13th and 14th year of his present Majesty's reign, entitled an act to enable his Majesty's subjects, of whatever persuasion, to testify their allegiance to him, ought to be considered as good and loyal subjects to his Majesty, his crown and government: and whereas a continuance of several of the laws formerly enacted, and still in force in this kingdom, against persons professing the Popish religion, is therefore unnecessary, in respect to those who have taken, or shall take the said oath, and is injurious to the real wealth and prosperity of Ireland, therefore, &c."

By this act Catholics, provided they take this oath, may purchase or take lands, or any interest

* 21st and 22d Geo. III. c. 24.

therein,

therein, except advowsons or boroughs returning members of Parliament, and dispose of the same by will or otherwise; and Popish ecclesiastics, on the same condition, and registering their name and abode, with the register of the diocese, are discharged from all penalties.

This act repeals so much of 8th Anne, as subjects a Papist to fine and imprisonment, on his refusal to testify on oath before two justices of the peace, when and where he heard the Popish mass celebrated, and the names of the persons celebrating it; and so much of 7th Wm. III. c. 5. as subjects any Papist, who shall have in his possession any horse of the value of 5l. or more, to the penalties therein mentioned; and so much of 8th Anne, as enables the Lord Lieutenant to seize any horse belonging to a Papist, upon a prospect of invasion or rebellion. It also repeals so much of 9th Geo. II. c. 6. as enables grand juries to reimburse such persons as have been robbed by privateers in time of war, for their losses, and to levy the same on the goods of Papists only; and so much of 6th Geo. I. c. 10. as subjects Papists, who shall not provide a Protestant watchman to watch in their turn, to certain penalties; and so much of 2d Anne, c. 6, as subjects Papists, who took any house, or came to dwell in Limerick, after the year 1703, or within the town of Galway, to certain penalties.

In the same year was likewise passed an act to allow persons, professing the Popish religion, to teach school in this kingdom, and for regulating the education of Papists, and also to repeal parts of certain laws relative to the guardianship of the children.*

* 21st and 22d Geo. III. c. 62.

The preamble states: "Whereas several of the laws made in this kingdom, relative to the education of Papists, or persons professing the Popish religion, are considered as too severe, and have not answered the desired effect."

This act repeals so much of 7th Wm. III. c. 4. and 8th of Anne, c. 3. as subjects Catholics, who shall publicly teach school, or privately instruct youth, to the like penalties as any Popish regular convict, provided they take the oaths of 13th and 14th of George III. c. 35; and it enables Catholics, except ecclesiastics, to be guardians.

Of the numerous individuals, who at this time distinguished themselves for their exertions in favour of the Catholics, there was no one to whom they were under greater obligations than to the late Mr. Burke. He wrote for them the Petition which was presented to the King in 1774. In the English House of Commons in 1778 he was the first to declare the necessity of concessions being made to them; he said that "Ireland was now the chief dependence of the British crown, and that it particularly behoved that country to admit the Irish nation to the privileges of British citizens;"* and, in the year 1782, he wrote his celebrated letter to Lord Kenmare, in which he so ably exposes the folly, injustice, and tyranny of the penal laws.

It certainly is a fact of no small importance in favour of the wisdom of unlimited concession to the Catholics, that this great statesman, the advocate for existing establishments, and who was the first and most formidable opponent to the progress of

* 8th Eng. Deb. p. 185, 1st April, 1778.

the jacobinical principles of France, should have advised it, and incessantly forwarded it by his powerful talents and extensive influence.

But the Catholics were indebted, not only to the labours of their friends, but also to the great revolution which was going on at this period in America, for the success of the first concessions that were made to them. This soon appeared very evident; an attempt was made by Mr. James Fitzgerald, a few months before the introduction of the act of 17. 18. Geo. III. to obtain for them a power to take leases for lands for 61 years, and this attempt failed. But, soon afterwards, when the intelligence arrived of the defeat of the British forces in America, the same Parliament, on the recommendation of the government, passed an act for enabling them to take land on leases for 999 years.

It was not, however, till the British government were obliged to transport the whole of the British army from Ireland to America, and thus leave it exposed to the attacks of France, that the Catholics became of sufficient importance in the eyes either of their own Protestant countrymen, or of the British government, to be attended to and caressed by them. The only alternative then left for the Protestants to adopt, was either to promote a union of sects in the common defence of the kingdom, or to make up their minds to fall an easy prey to the arms of France. Upon this principle of preservation, by an oblivion of all past animosities, the volunteers were embodied, and composed indiscriminately of Catholics and Protestants. But, in proportion as the danger of invasion diminished, they naturally turned their attention to the grievances that both sects experienced at the

hands of the British government, and soon became an armed association for the attainment of political rights.

In this appeal to arms, in open resistance to the power of Great Britain, for the purpose of compelling her to grant to Ireland the independence of her legislature, and a reform of her Parliament, the Protestants took the lead. But the contention between them and the British government was not one of arms, because Great Britain had no troops with which to dispute with the volunteers, but one of political manœuvring. It was plain, that to which ever party the Catholics attached themselves, victory would belong. The government, therefore, in order to secure them, passed the acts of 1778 and 1782; while the Protestants, on the other hand, endeavoured to conciliate them by public resolutions and declarations in favour of their complete emancipation. The Dungannon convention, which met in February 1782, and was composed of the representatives of 143 Protestant corps of volunteers, resolved, with two dissenting voices only, “that they held the right of private judgment, in matters of religion, to be equally sacred in others as themselves; therefore, that, as Christians and Protestants, they rejoiced in the relaxation of the penal laws against their Roman Catholic fellow-subjects, and that they conceived the measure to be fraught with the happiest consequences to the union and prosperity of Ireland.”

These liberal declarations on the part of this meeting, and the general tenour of the conduct of the Protestants throughout Ireland towards the Catholics, secured their cordial concurrence, and the British Government were, at length, reluctantly obliged

obliged to concede the favourite object of an independent Irish legislature.

The Protestants now proceeded to attempt to carry their other great object, a parliamentary reform; and, after the sense of the kingdom had been expressed, at various public meetings, to be decidedly in favour of it, they determined to hold a convention in Dublin, for the purpose of impressing upon government and parliament the necessity of acceding to their demands. In the mean time, a division of opinion had manifested itself among some of the northern corps of volunteers on the Catholic question, and Lord Charlemont and other persons had declared themselves hostile to further concessions. This circumstance afforded the government an easy opportunity of defeating the object of the convention; they contrived to have a motion made for connecting the emancipation of the Catholics with the question of parliamentary reform; and upon its being rejected by the convention, knowing that its power was not to be dreaded, if unsupported by the Catholic population, they despised its threats, and, by a manly opposition to their demands, they secured their dispersion without tumult, and certainly without the regret of the advocates of such a reform in Parliament as the general circumstances of the country absolutely required.

From this period, to the year 1790, the Catholic question was not once agitated, either by the Catholics or by Parliament. In this year the attorney-general brought in a bill to explain and amend the act of 22d Geo. III. c. 62.

The intention of this act was to give to Catholics the power of appointing guardians to their children, but it was so carelessly drawn,

that, upon consulting it, in the case of the will of the late Lord Gormanstown, by which he had appointed guardians to his son, it was discovered that they were not competent to act. The present bill was therefore introduced to remedy this defect.

A circumstance, which took place this summer shews, that this act of common justice was not, in any degree, the result of an inclination, on the part of government, to treat the Catholics with more than customary liberality. Lord Westmoreland, then Lord Lieutenant, had visited the South of Ireland; and, on his arrival at Cork, it was intimated to the Catholics there, that an expression of their loyalty would be acceptable. Accordingly an address of that nature was prepared, which, however, concluded with a *hope*, that their loyalty would entitle them to some relaxation of the penal code. Before its being formally presented, it was submitted to his Excellency, and was returned to them, to strike out the clause which expressed hope. With a feeling rather natural to men not perfectly broken down by oppression, they refused to strike it out, and declined presenting the address.

A century of pains and penalties had now elapsed, in which period the most severe and minute investigation had not been able to ascribe to the Catholics one instance of disloyalty, when they at length determined to make a vigorous exertion to obtain a restoration of their constitutional rights. In the course of the year 1790, violent resolutions had been entered into by the magistrates of the county of Armagh against them. Those of Dublin, and of the other principal cities and towns of Ireland, were in consequence roused to adopt resolutions

solutions on their part, expressive of the necessity of petitioning Parliament. These had been transmitted to the general committee of Catholics, who thereupon held a meeting to consider them on the 11th of February 1791. The general committee referred these resolutions to a sub-committee, who made upon them the following report :

“ Your committee having, in obedience to your
 “ directions, carefully perused the resolutions of
 “ the Catholics of Ireland, report, that said resolutions contain the most unequivocal sentiments
 “ of loyalty to our most gracious Sovereign,
 “ George the Third, of love for our country, and
 “ obedience to its laws, and the most humble hope
 “ of being restored to some participation of its excellent constitution.

“ That your Catholic brethren refer, with confidence, to the numberless proofs they have
 “ given of fidelity in times the most perilous,
 “ when rebellion raged in the bosom of Britain,
 “ and when foreign invasion threatened our coast,
 “ and to that alacrity with which all descriptions
 “ of our people took the oath of allegiance ; and
 “ they rely that their scrupulous observance of
 “ such sacred obligation will nowhere be doubted,
 “ when it is considered, that if they took those
 “ oaths required by law, they would thereby become entitled to all the rights of citizens.

“ That, with all humility, they confide in the
 “ justice, liberality, and wisdom of Parliament,
 “ and the benignity of our most gracious Sovereign, to relieve them from their degraded situation, and no longer to suffer them to continue
 “ like strangers in their native land ; but thus
 “ have the glory of shewing all Europe, that in
 “ the

“ the plenitude of power, strength, and riches of
 “ the British empire, when nothing they grant
 “ can be imputed to any motives but those of jus-
 “ tice and toleration ; that, at such a period, they
 “ deign to hear and relieve their oppressed and
 “ faithful subjects, and to unite them for ever to
 “ their country, by every tie of gratitude and in-
 “ terest ; and that they will shew to all Europe,
 “ that humble and peaceful conduct, and dutiful
 “ application, are the only true and effectual me-
 “ thods for good subjects to obtain relief from a
 “ wise and good government.

“ That our Catholic brethren therefore desire,
 “ that application may be made for such relief as
 “ the wisdom and justice of Parliament may grant ;
 “ and they hope to be restored, at least, to some
 “ of the rights and privileges which have been
 “ wisely granted to others who dissent from the
 “ established church ; that they may be thus en-
 “ abled to promote, in conjunction with the rest
 “ of their fellow-subjects, the present and future
 “ happiness and strength of their country.

“ That our said Catholic brethren direct, that
 “ such application be immediately made, and con-
 “ tinued, in the most submissive and constitutional
 “ manner, for a mitigation of the restrictions and
 “ disqualifications under which they labour.”

The general committee having agreed with and
 adopted this report, a petition was prepared in
 order to be laid before Parliament in the ensuing
 session.

With this petition a deputation of the general
 committee waited upon the chief Secretary, Lord
 Hobart, to solicit the countenance and protection
 of government, but in vain. This was not only
 refused them, but the Catholics of Ireland, consti-
 tuting,

tuting, at the lowest calculation, three-fourths of the inhabitants of the kingdom, had not even sufficient influence to induce any one member of Parliament to present it.

A second deputation having failed to obtain even an answer from government to a renewed application for its support, it was determined to send Mr. Keogh to London, to lay before his Majesty's Ministers the state of his Catholic subjects.

Mr. Keogh, on his arrival in London, instituted a negociation with Mr. Pitt and the Cabinet: at the close of which, the Catholics were given to understand that they might hope for four objects—grand juries, county magistrates, high sheriffs, and the bar. Admission to the right of suffrage was also mentioned, and taken under consideration.

The spirit of religious liberty having, at this time, made great progress among the Protestant dissenters in Ulster, the 1st Belfast volunteer company, in July 1791, passed a resolution in favour of admitting the Catholics to a full enjoyment of the constitution; and, in October, the great Northern Association of United Irishmen * pledged themselves “to endeavour, by all due means, to procure
“a complete and radical reform of the people in
“Parliament, including Irishmen of every religious
“persuasion.”

In the mean time, whilst Mr. Keogh was in London, the Irish Administration had been endeavouring to counteract the views of the Catholic body, by a negociation with the principal nobility and gentry belonging to it; and, in some de-

* It was not till 1794, that a new society, under this name, embarked in an attempt to separate Great Britain and Ireland.

gree, their exertions were successful. For, at a meeting of the general committee, held in December 1791, for the purpose of considering of the policy of petitioning Parliament in the ensuing session, some of the meeting wished to adopt a resolution of seeking no removal of the existing disabilities, but in such a manner and to such an extent as the wisdom of the legislature deemed expedient. This was resisted by others, and on a division upon the question of petitioning, the nobility were left in a minority of 90 to 17.

Pursuant to this decision, the following petition was drawn up, and introduced into the House of Commons, by Mr. O'Hara, on the 23d January, 1792.

WE your petitioners, being appointed by sundry of his Majesty's subjects professing the Roman Catholic religion, to be agents for conducting applications to the legislature for their relief, in our own and their names, beg leave to approach this High Court of Parliament with an unfeigned respect for its wisdom and authority ; and at the same time, with a deep and heartfelt sensation of our singular and deplorable situation. And, first of all, we implore (and for this we throw ourselves on the indulgence of parliament) that no irregularity or defect in form or language, should obstruct the success of these our most ardent supplications. The circumstances in which we stand deserve consideration. For near a hundred years, we and our fathers, and our grandfathers, have groaned under a code of laws, (in some parts already purged from the statutes), the like of which, no age, no nation, no climate ever saw. Yet, sore as it were from the scourge of active persecution, scarce yet confirmed in our minds, and but lately secure in our persons and in our houses, from the daily alarms of search-warrants and informers, we come before Parliament for the first time ; and we come to ask an alleviation of burdens, under which we can only find consolation in the melancholy comparison of former times.

In

In this state of recent apprehension and troubled anxious hope, with minds unadapted to the precise observances of decorum, we rest upon the simple merits of our case. It is a part of our calamities, that we do not know how to tell them with propriety ; and if our complaints should deviate into remonstrance, and we should seem to upbraid, when we mean to supplicate, we trust a due allowance will be made for expressions extorted by our anguish, or proceeding from an inevitable ignorance of form. Excluded from the constitution in all its parts, and in many respects aliens to the law, how should we have learned the forms of Parliament ?

The hardships we suffer proceed from the law. It is, therefore, only to the fountain of the law that we can look for relief. You are the great Council of our Sovereign Lord the King ; but you are also subjects like ourselves. The ear of Majesty, by the law of the land, and by the benignity of that Sovereign, whom it is your glory to imitate, is ever open to the petitions of his people. As far as we are able to discern the great outlines of a constitution, which we know only in speculation, we conceive that it is the boast of the constitution of these kingdoms, to have associated a portion of the people into the Sovereign power ; in order that, not dazzled by the awe of supreme Majesty, the subject may find a happy mediatorial institution, an asylum wherein to deposit the burden of his griefs, to expose the nakedness of his oppressions, and indulge complaint even to exaggeration. There were, indeed, those who would have made us believe, that Parliament was only to be approached with circumspect and timid steps ; at most, in general terms ; and that, wrapped in proud and inexorable state, you would consider a specification of the wants of the people as an insult, and a reason for not supplying them. But we knew it could not be. We knew that no senate, no king, no tyrant, had ever professed to turn his ear from detailed supplication. The Majesty of God himself is willing to receive, and demands the incense of particular prayer. And shall we, who speak from man to man, from subject to subject, not dare to specify the measure and extent of our crying necessities. Despising that base and hypocritical affectation, we are sure it is far more congenial to the nature and to the temper of Parliament, with a firm and generous confidence,

confidence, to say, as we say—here is the evil—there is the remedy : To you we look for relief.

Behold us then before you, three millions of the people of Ireland, subjects of the same king, inhabitants of the same land, bound together by the same social contract, contributing to the same revenues, defended by the same armies, declared, by the authentic words of an act of Parliament, to be good and loyal subjects to his Majesty, his Crown, and Government, and yet doomed to one general unqualified incapacity, and universal exclusion, an universal civil proscription. We are excluded from the state. We are excluded from the revenues. We are excluded from every distinction, every privilege, every office, every emolument, every civil trust, every corporate right. We are excluded from the navy, from the army, from the magistrature, from the professions. We are excluded from the palladium of life, liberty, and property, the juries and inquests of our country.—From what are we not excluded ? We are excluded from the constitution. We stand a strange anomaly in the law ; not acknowledged, not disavowed ; not slaves, not free-men : an exception to the principles of jurisprudence ; a prodigy in the system of civil institution. We incur no small part of the penalties of a general outlawry, and a general excommunication. Disability meets us at every hour, and in every walk of life. It cramps our industry, it shackles our property, it depresses our genius, it debilitates our minds.—Why are we disfranchised, and why are we degraded ? Or rather, why do these evils afflict our country, of which we are no inconsiderable part ?

We most humbly and earnestly supplicate and implore Parliament to call this law of universal exclusion to a severe account, and now at last to demand of it, upon what principle it stands, of equity, of morality, of justice, or of policy. And, while we request this scrutiny into the law, we demand, also, the severest scrutiny into our principles, our actions, our words, and our thoughts. Wherein have we failed as loyal and affectionate subjects to the best of Sovereigns, or as sober, peaceable, and useful members of society. Where is that people who can offer the testimony of a hundred years patient submission to a code of laws, of which no man living is now an advocate—without sedition, without murmur, without complaint.

complaint. Our loyalty has undergone a century of severe persecution for the sake of our religion, and we have come out of the ordeal with our religion, and with our loyalty.

Why then are we still left under the ban of our country ? We differ, it is true, from the national church, in some points of doctrinal faith. Whether it is our blessing or our misfortune, He only knows to whom all things are known. For this our religion we offer no apology. After ages of learned and critical discussion, we cannot expect to throw farther light upon it. We have only to say, that it is founded on revelation, as well as the religion established by law. Both you and we are regenerated in the same baptism, and profess our belief in the same Christ ; you according to the church of England, we according to the church of Rome. We do not exercise an abject or obscure superstition. If we err, our errors have been, and still are, sanctioned by the example of many flourishing, learned, and civilized nations. We do not enter, we disdain to enter into the cavils of antiquated sophistry, and to insult the understanding of Parliament by supposing it necessary to prove that a religion is not incompatible with civil government, which has subsisted for so many hundred years under every possible form of government, in some tolerated, in some established, even to this day.

With regard to our civil principles, we are unalterably, deeply, and zealously attached to his Majesty's person and government. Good and loyal subjects we are, and we are declared by law to be. With regard to the Constitution of the state, we are as much attached to it as it is possible for men to be attached to a constitution by which they are not avowed. With regard to the constitution of the church, we are, indeed, inviolably attached to our own : First, because we believe it to be true ; and next, because, beyond belief, we know that its principles are calculated to make us, and have made us, good men and good citizens. But as we find it answers to us, individually, all the useful ends of religion, *we solemnly and conscientiously declare, that we are satisfied with the present condition of our ecclesiastical policy. With satisfaction, we acquiesce in the establishment of the national church ; we neither repine at its possessions, nor envy its dignities ; we*
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are ready, upon this point, to give every assurance that is binding upon man.

With regard to every other subject, and to every other calumny, we have no disavowals, we have no declarations to make : Conscious of the innocence of our lives, and the purity of our intentions, we are justified in asking, what reason of state exists, and we deny that any does exist, for leaving us still in the bondage of the law, and under the protracted restriction of penal statutes. Penalties suppose, if not crimes, at least a cause of reasonable suspicion. Criminal imputations like those (for to be adequate to the effect, they must be great indeed) are, to a generous mind, more grievous than the penalties themselves. They incontrovertibly imply, that we are considered by the legislature as standing in a doubtful light of fidelity or loyalty to the King, or to the constitution of our country, and perhaps to both. While on these unjust suppositions we are deprived of the common rights and privileges of British and of Irish subjects, it is impossible for us to say we are contented while we endure a relentless civil proscription for which no cause is alledged, and for which no reason can be assigned.

Because we now come with a clear, open, and manly voice, to insist upon the grievances under which we still labour, it is not to be inferred that we have forgot the benignant justice of Parliament, which has relieved us from the more oppressive, but not the most extensive part of the penal system. In those days of affliction, when we lay prostrate under the iron rod, and, as it were, entranced in a gulph of persecution, it was necessary for Parliament to go the whole way, and to stretch out a saving hand to relieve us. We had not the courage to look up with hope, to know our condition, or even to conceive a remedy. It is because the former relaxations were not thrown away upon us ; it is because we begin to feel the influence of somewhat more equal laws, and to revive from our former inanition, that we now presume to stand erect before you : Conceiving that Parliament has a right to expect, as a test of our gratitude, that we should no longer lie a dead weight upon our country, but come forward in our turn to assist with our voice, our exertions, and our councils, in a work, to which the wisdom and power of Parliament is incompetent

incompetent without our co-operation—the application of a policy, wholly new, to the pressing wants, and to the intimate necessities of a people long forgotten, out of the sight and out of the knowledge of a superintending legislature.—Accordingly we are come, and we claim no small merit that we have found our way to the door of Parliament. It has not been made easy for us.—Every art and industry has been exerted to obstruct us : Attempts have been made to divide us into factions, and to throw us into confusion. We have stood firm and united. We have received hints and cautions ; obscure intimations and public warnings to guard our supplications against intimidation. We have resisted that species of disguised and artful threat. We have been traduced, calumniated, and libelled. We have witnessed sinister endeavours again to blow the flame of religious animosity, and awake the slumbering spirit of popular terrors and popular fury.—But we have remained unmoved. We are, indeed, accustomed to this tumid agitation and ferment in the public mind. In former times it was the constant precursor of more intense persecution, but it has also attended every later and happier return of legislative mercy. But whether it betokens us evil or good, to Parliament we come, to seek, at that shrine, a safeguard from impending danger, or a communication of new benefits.

What then do we ask of Parliament ? To be thoroughly united and made one with the rest of our fellow-subjects. That, alas ! would be our first, our dearest wish. But if that is denied us, if sacrifices are to be made, if by an example of rare moderation, we do not aspire to the condition of a fair equality, we are not at a loss to find, in the range of social benefits (which is nearly that of our present exclusions) an object which is, and ought to be, the scope and resting-place of our wishes and our hopes. That which, if we do not ask, we are not worthy to obtain. We knock that it may be opened unto us. We have learned by tradition from our ancestors, we have heard by fame in foreign lands, where we have been driven to seek education in youth, and bread in manhood ; and, by the contemplation of our own minds, we are filled with a deep and unalterable opinion that the Irish, formed upon the model of the British constitution, is a blessing of inestimable

mable value ; that it contributes, and is even essentially necessary for national and individual happiness. Of this constitution, we feel ourselves worthy ; and though not practically, we know the benefits of its franchises. Nor can we, without a criminal dissimulation, conceal from Parliament the painful inquietude which is felt by our whole persuasion, and the dangers to which we do not cease to be exposed, by this our total and unmerited exclusion from the common rights, privileges, and franchises, conceded by our Kings for the protection of the subject. This exclusion is indeed the root of every evil. It is that which makes property insecure, and industry precarious. It pollutes the stream of justice. It is the cause of daily humiliation. It is the insurmountable barrier, the impassable line of separation which divides the nation, and which, keeping animosity alive, prevents the entire and cordial intermixture of the people. And therefore inevitably it is, that some share, some portion, some participation in the liberties and franchises of our country, becomes the primary and essential object of our ardent and common solicitation. It is a blessing for which there is no price, and can be no compensation. With it, every evil is tolerable ; without it, no advantage is desirable. In this, as in all things, we submit ourselves to the paramount authority of Parliament ; and we shall acquiesce in what is given, as we do in what is taken away. But this is the boon we ask. We hunger and we thirst for the constitution of our country. If it shall be deemed otherwise, and shall be determined that we are qualified perhaps for the base and lucrative tenures of professional occupation, but unworthy to perform the free and noble services of the constitution, we submit, indeed, but we solemnly protest against that distinction for ourselves and for our children. It is no act of ours. Whatever judgment may await our merits or our failings, we cannot conclude ourselves, by recognizing, for a consideration, the principle of servility and perpetual degradation.

These are the sentiments which we feel to the bottom of our hearts, and we disclose them to the free Parliament of a Monarch whose glory it is to reign over a free people. —To you we commit our supplications and our cause. We have, indeed, little to apprehend, in this benigner age,
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from the malignant aspersions of former times, and not more from the obsolete calumnies of former strife ; although we see them endeavouring again to collect the remnant of their exhausted venom, before they die for ever, in a last and feeble effort to traduce our religion and our principles. But, as oppression is ever fertile in pretexts, we find the objections started against us more dangerous because they are new, or new at least in the novelty of a shameless avowal. They are principally three—First, it is contended that we are a people originally and fundamentally different from yourselves, and that our interests are for ever irreconcilable, because some hundred years ago our ancestors were conquered by your's. We deny the conclusion : we deny the fact. It is false.—In addressing ourselves to you, we speak to the children of our ancestors, as we also are the children of your forefathers : Nature has triumphed over law ; we are intermixed in blood ; we are blended in connexion ; we are one race ; we all are Irishmen ; subjects of the Imperial Crown of Ireland. The honour of Parliament is concerned, to repress the audacity of those who tell us that you are a foreign colony ; and, consequently, ought to govern according to the principles of invaders, and the policy of recent usurpation. At least we confide that you will not suffer the walls of Parliament to be contaminated with that libel upon the government of Ireland. The shaft which was aimed at us has struck yourselves ; a memorable, but, at the same time, we trust, a most auspicious example, to teach both you and us, and our common posterity, that our interests are one ; and that whatever affects the well-being and honour of the Roman Catholics, is also injurious to the Protestant interest. Of the same complexion and tendency are the two objections, one that our advancement in property and privilege would lead to a repeal of the act of settlement ; the other, that our participation in the liberties and franchises of our country, would endanger the existence of the constitution into which we are admitted.

A resumption of the lands forfeited by our and your ancestors, (for they are the same), after the lapse of so many years, (near three returns of the longest period of legal limitation) after the dispersion and extinction of so many

families ; after so many transitions and divisions, re-partitions and reconsolidations of property ; so many sales, judgments, mortgages, and settlements ; and after all the various process of voluntary and legal operation, to conceive the revival of titles dormant for 150 years, is an idea so perfectly chimerical, so contrary to the experience of all ages and all countries, so repugnant to the principles of jurisprudence, and so utterly impossible in point of fact ; that the Roman Catholics of Ireland, once for all, make it their earnest request to have that question thoroughly investigated, in the assured hope, that so idle, vain, and absurd an object of public apprehension, being exposed and laid open to the eye of reason, may sleep in oblivion for ever.

As to the other subject of apprehension, we have but one answer to make. We desire to partake in the constitution ; and therefore we do not desire to destroy it. Parliament is now in possession of our case ; our grievances, our sorrows, our obstructions, our solitudes, our hopes. We have told you the desire of our hearts. We do not ask to be relieved from this or that incapacity ; not the abolition of this or that odious distinction ; not even perhaps to be in the fulness of time, and in the accomplishment of the great comprehensive scheme of legislation, finally incorporated with you in the enjoyment of the same constitution. Even beyond that mark, we have an ultimate and if possible an object of more interior desire. We look for an union of affections ; a gradual, and, therefore, a total obliteration of all the animosities, (on our part they are long extinct), and all the prejudices which have kept us disjointed. We come to you a great accession to the Protestant interest, with hearts and minds suitable to such an end. We do not come as jealous and suspicious rivals, to gavel the constitution, but, with fraternal minds, to participate in the great incorporeal inheritance of freedom, to be held according to the laws and customs of the realm, and by our immediate fealty and allegiance to the King. And so may you receive us.

And we shall ever pray.

Objections

Objections having been made to this petition, upon Mr. O'Hara's presenting it, as being informal, he withdrew it; and the general committee finding that so bold and explicit a statement of their case had given offence to some of their more violent opponents, prepared another petition, merely praying that the House would take into consideration, whether the removal of some of the grievances of the petitioners might not be compatible with Protestant security. This petition was presented by Mr. Egan on the 18th of February; and, on the 20th, was afterwards rejected, on a division of 200 to 23.

On the same day was also rejected a petition from the Protestant inhabitants of Belfast, which went much farther than the petition of the Catholics, as it required that they should be placed on the same footing with their Protestant fellow-subjects.

About this time the general committee invited over the son of Mr. Burke to act for them as their confidential agent.* They were induced to take this step in order to pay a compliment to Mr. Burke, in return for the extraordinary services he had done for them, and to secure, at this juncture, the renewal of his exertions in promoting their cause. It was on the 3d January of this year, that Mr. Burke published his letter to Sir Hercules Langrishe, in which he gave him that learned and liberal opinion upon the subject of the elective franchise, which, it is said, obtained the royal assent to the measure that afterwards was adopted for conceding it. This letter was admirably well

* It appears from a statement, published by the committee, of their accounts, that they paid Mr. R. Burke for his attendance, L.2321.

adapted to meet every species of objection, moral, local, and constitutional. It was calculated to remove the prejudices of the Church of England, and every sect of Protestant dissenters ; and, above all, it was quite conclusive, as a demonstration of the compatibility of Catholic emancipation with the coronation oath.

At a meeting of the general committee, on the 4th February, the following resolutions were agreed to, and afterwards published, with an address to the Protestants, written by Mr. R. Burke, and corrected by his father. To this address were added the answers of the foreign Catholic universities to questions that had been put to them in 1789, at the desire of Mr. Pitt, concerning the existence and extent of the Popish dispensing power.

Resolved, That this committee has been informed, that reports have been circulated, that the application of the Catholics for relief, extends to unlimited and total emancipation ; and that attempts have been made, wickedly and falsely, to instil into the minds of the Protestants of this kingdom an opinion, that our applications were preferred in a tone of menace.

Resolved, That several Protestant gentleman have expressed great satisfaction on being individually informed of the real extent and respectful manner of the applications for relief, have assured us, that nothing could have excited jealousy, or apparent opposition to us, from our Protestant countrymen, but the above-mentioned misapprehensions.

Resolved, That we therefore deem it necessary to declare, that the whole of our late applications, whether to his Majesty's Ministers, to men in power, or to private members of the legislature, as well as our intended petition, neither did, nor does contain any thing, or extend further

further, either in substance or in principle, than the four following objects.

1st. Admission to the profession and practice of the law.

2d. Capacity to serve as county magistracies.

3d. A right to be summoned, and to serve on grand and petty juries.

4th. The right of voting in counties only for Protestant members of Parliament; in such a manner, however, as that a Roman Catholic freeholder should not vote, unless he either rented, and cultivated a farm of twenty pounds per annum, in addition to his forty shillings freehold; or else possessed a freehold to the amount of twenty pounds a-year.

Resolved, That, in our opinion, these applications, not extending to any other objects than the above, are moderate, and absolutely necessary for our general alleviation, and more particularly for the protection of the Catholic farmers and the peasantry of Ireland; and that they do not, in any degree, endanger either church or state, or endanger the security of the Protestant interest.

Resolved, That we never had an idea or thought so extravagant, as that of menacing or intimidating our Protestant brethren, much less the legislature; and that we disclaim the violent and turbulent intentions imputed to us in some of the public prints, and circulated in private conversation.

Resolved, That we refer to the known disposition of the Roman Catholics of this kingdom, to our dutiful behaviour, during a long series of years, and particularly to the whole tenor of our late proceedings for the full refutation of every charge of sedition and disloyalty.

Resolved, That for the more ample and detailed exposure of all the evil reports and calumnies circulated against

us, an address to our Protestant fellow-subjects, and to the public in general, be printed by the order, and in the name of the general committee.

The queries and answers concerning the Popish dispensing power, are as follow :

1st. Has the Pope or Cardinals, or any body of men, or any individual of the Church of Rome, any civil authority, power, jurisdiction, or pre-eminence whatsoever, within the realm of England ?

2d. Can the Pope or Cardinals, or any body of men, or any individual of the Church of Rome, absolve or dispense with his Majesty's subjects from their oath of allegiance, upon any pretext whatsoever ?

3d. Is there any principle in the tenets of the Catholic faith, by which Catholics are justified in not keeping faith with heretics, or other persons differing from them in religious opinions, in any transaction, either of a public or a private nature ?

Abstract from the Answer of the Sacred Faculty of Divinity of Paris to the above Queries.

After an introduction according to the usual forms of the university, they answer the first query by declaring :

Neither the *Pope*, nor the *Cardinals*, nor any body of men, nor any other person of the Church of Rome, hath any civil authority, civil power, civil jurisdiction, or civil pre-eminence whatsoever in any kingdom ; and consequently, none in the kingdom of England, by reason or virtue of any authority, power, jurisdiction, or pre-eminence by divine institution inherent in, or granted, or by any other means belonging to the Pope, or the Church of Rome. This doctrine the Sacred Faculty of Divinity of Paris has always held, and upon every occasion maintained, and upon every occasion has rigidly proscribed the contrary doctrines from her schools.

Answer

Answer to the second query.—Neither the *Pope, nor the Cardinals, nor any body of men*, nor any person of the Church of Rome, can, by virtue of the keys, absolve or release the subjects of the King of England from their oath of allegiance.

This and the first query are so intimately connected, that the answer of the first immediately and naturally applies to the second, &c.

Answer to the third query.—There is no tenet in the Catholic church, by which Catholics are justified in not keeping faith with heretics, or those who differ from them in matters of religion. The tenet, that it is lawful to break faith with heretics, is so repugnant to common honesty and the opinions of Catholics, that *there is nothing of which those who have defended the Catholic faith against Protestants have complained more heavily, than the malice and calumny of their adversaries in imputing this tenet to them, &c. &c. &c.*

Given at Paris, in the General Assembly of the Sorbonne, held on Thursday the 11th day before the calends of March, 1789.

Signed in due form.

University of Louvain.

The Faculty of Divinity at Louvain having been requested to give her opinion upon the questions above stated, does it with readiness—but *struck with astonishment that such questions should, at the end of this eighteenth century, be proposed to any learned body, by inhabitants of a kingdom that glories in the talents and discernment of its natives.* The Faculty being assembled for the above purpose, it is agreed, with the unanimous assent of all voices, to answer the first and second queries absolutely in the negative.

The Faculty does not think it incumbent upon her, in this place, to enter upon the proofs of her opinion, or to shew how it is supported by passages in the Holy Scriptures, or the writings of antiquity. That has already been done by Bossuet, De Marca, the two Barclays, Goldastus, the Pithæuses, Argentre Widrington, and his Majesty

Majesty King James the First, in his Dissertation against Bellarmine and Du Perron, and by many others, &c. &c. &c.

The Faculty then proceeds to declare, that the sovereign power of the state is in nowise (not even indirectly, as it is termed) subject to, or dependent upon, any other power; though it be a spiritual power, or even though it be instituted for eternal salvation, &c. &c.

That *no man, nor any assembly of men*, however eminent in dignity and power, nor even the *whole body of the Catholic church*, though assembled in general council, can, upon any ground of pretence whatsoever, weaken the bond of union between the Sovereign and the people; still less can they absolve or free the subjects from their oath of allegiance.

Proceeding to the third question, the said Faculty of Divinity (*in perfect wonder that such a question should be proposed to her*) most positively and unequivocally answers, that there is not, and there never has been, among the Catholics, or in the doctrines of the Church of Rome, any law or principle which makes it lawful for Catholics to break their faith with heretics, or others of a different persuasion from themselves, in matters of religion, either in public or private concerns.

The Faculty declares the doctrine of the Catholics to be, that the divine and natural law, which makes it a duty to keep faith and promises, is the same; and is neither shaken nor diminished, if those, with whom the engagement is made, hold erroneous opinions in matters of religion, &c. &c.

Signed in due form on the 18th of November, 1788.

University of Valladolid.

To the first question it was answered—*That neither Pope, Cardinals, or even a General Council*, have any civil authority, power, jurisdiction, or pre-eminence, directly or indirectly, in the kingdom of Great Britain; or over *any other kingdom or province* in which they possess no temporal dominion.

To the second it is answered—That neither Pope nor Cardinals,

Cardinals, nor even a General Council, can absolve the subjects of Great-Britain from their oaths of allegiance, or dispense with their obligation.

To the third it is answered—That the obligation of keeping faith is grounded on the law of nature, which binds all men equally, without respect to their religious opinions; and with regard to Catholics, it is still more cogent, as it is confirmed by the principles of their religion.

Signed in the usual form, February 17, 1789.

While the general committee were occupied in carrying these measures into effect, Parliament had passed a law* for removing part of the restraints and disabilities to which the Catholics were liable. It was introduced into the House of Commons by Sir H. Langrishe, and, being supported by government, it met with little opposition. But the conduct of government, on this occasion, was so suspicious, and its favour conferred with so bad a grace,† that it did not in the least degree contribute to appease the irritation which its former conduct in 1791 had so justly given rise to.

By this act Catholics may be called to the bar, and may be admitted as students into the King's-Inns. Attornies may take Catholic apprentices, and are relieved from the necessity of educating their children Protestants; and barristers may marry Catholic wives. Catholic barristers, and apprentices to attornies, must, nevertheless, qualify themselves for the benefits of this act, by taking the oath of the 13th, & 14th Geo. III. c. 35.

By this act, so much of 9th William III. c. 3.

* 32d Geo. III. c. 21.

† This measure was introduced into the House of Commons without any communication with the general committee.

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and 2d Anne, c. 6. as prevents Protestants from intermarrying with Papists, is repealed. But Protestants married to Catholics are not to vote at elections ; and the law is not altered which makes it a capital felony for a priest to celebrate the marriage of a Protestant and a Catholic, though the very next act in the statute book enables a Presbyterian clergyman to celebrate the marriage of a Protestant and a Presbyterian.

By this act, also, the 7th William III. for restraining foreign education, is repealed ; and Catholics are permitted to teach school without taking out a license from the ordinary. And so much likewise of 8th Anne, c. 3. is repealed, which enacts, that no Papist shall take more than two apprentices.

In the course of the debates upon this act, the Catholics were accused of professing tenets inimical to good order and government ; and with harbouring pretensions to the forfeited estates of their forefathers, and with wishing to subvert the existing establishment, that they might reinstate a Popish one in its stead. The general committee were also accused of being turbulent and seditious agitators. It was asserted, that the petition which they presented this year to Parliament was the act of an obscure faction, confined merely to the capital, and disavowed by the great mass of the Catholics.

In order to repel the first of these accusations, the declaration of 1774, which has already been introduced into this work, was republished, and signed by Dr. Troy and the principal Catholic clergy and laity of the kingdom. The second charge was not so easily to be contradicted. It was one of most serious importance to the interests

terests of the whole body, and, if suffered to pass without the fallacy of it being exposed, would have contributed to defeat all the exertions which had been made to obtain redress. Urged by these considerations, and also by a communication, which, about this time, was made, from the first authority, that a further application for relief would have great weight with his Majesty, and with Parliament, if the committee were qualified to declare, that it was the measure of every Catholic in the kingdom,* the committee devised a plan, by which a convention of delegates should be held, elected by the whole Catholic body. A circular letter was immediately written, directing that each parish should proceed to choose one or two electors, and that these electors should then elect from one to four delegates, as it might appear most expedient to them. Their directions were obeyed, and carried into effect with so much promptitude and good order, that the convention were able to meet on the 3d of December, without the smallest degree of tumult or agitation having occurred in any part of the kingdom.

In the mean time, this circular letter had been laid hold of by the government as a proper instrument with which to rekindle the embers of religious animosities. Where the partizans of government were sufficiently strong, corporate and county meetings were held to reprobate the plan of the general committee; but if defeat, or even formidable resistance, was apprehended, similar resolutions were entered into by the grand juries, where success could easily be secured, from the influence of government in their appointment.

* See the plan for conducting the election of delegates, published 1793.

In order to counteract the effect of these resolutions, those Protestants who had the virtue and the good sense neither to become the tools or the dupes of government, held a great number of meetings of different towns and districts. Some few, with Londonderry at their head, expressed themselves favourable to a gradual admission of the Catholics; but the great majority followed the example of an immense body of volunteers, who, when assembled together at their commemoration meeting, declared their sentiments in favour of the immediate and unqualified extension of the right of suffrage to the whole Catholic body.

When the convention met in December, their proceedings were wise, temperate, and decisive, and conducted without any violation of the laws of the land, or of the good order of society. At the first meeting the following petition to the King was unanimously agreed to, pursuant to instructions which had been given to each delegate by his respective electors,

To the King's most Excellent Majesty, the humble Petition of the Undersigned Catholics, on behalf of themselves and the rest of his Catholic Subjects of the kingdom of Ireland.

Most Gracious Sovereign,

We your Majesty's most dutiful and loyal subjects of your kingdom of Ireland, professing the Catholic religion, presume to approach your Majesty, who are the common father of all your people, and humbly to submit to your consideration the manifold incapacities and oppressive disqualifications under which we labour.

For, may it please your Majesty, after a century of uninterrupted loyalty, in which time five foreign wars and two domestic rebellions have occurred, after having
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taken every oath of allegiance and fidelity to your Majesty, and given, and being still ready to give, every pledge, which can be devised for their peaceable demeanour and unconditional submission to the laws, the Catholics of Ireland stand obnoxious to a long catalogue of statutes, inflicting on dutiful and meritorious subjects pains and penalties of an extent and severity, which scarce any degree of delinquency can warrant, and prolonged to a period, when no necessity can be alleged to justify their continuance.

In the first place, we beg leave, with all humility, to represent to your Majesty, that, notwithstanding the lowest departments in your Majesty's fleets and armies are largely supplied by our numbers, and your revenue in this country to a great degree supported by our contributions, we are disabled from serving your Majesty in any office of trust and emolument whatsoever, civil or military—a proscription, which disregards capacity or merit, admits of neither qualification nor degree, and rests as an universal stigma of distrust upon the whole body of your Catholic subjects.

We are interdicted from all municipal stations, and the franchise of all guilds and corporations; and our exclusion from the benefits annexed to those situations is not an evil terminating in itself; for, by giving an advantage over us to those, in whom they are exclusively vested, they establish throughout the kingdom a species of qualified monopoly, uniformly operating in our disfavour, contrary to the spirit, and highly detrimental to the freedom of trade.

We may not found nor endow any university, college, or school, for the education of our children; and we are interdicted from obtaining degrees in the university of Dublin by the several charters and statutes now in force therein.

We are totally prohibited from keeping or using weapons, for the defence of our houses, families, or persons, whereby we are exposed to the violence of burglary, robbery, and assassination; and to enforce this prohibition, contravening that great original law of nature, which enjoins us to self-defence, a variety of statutes exist, not less grievous and oppressive in their provisions, than unjust in their

their object ; by one of which, enacted so lately as within these sixteen years, every one of your Majesty's Catholic subjects, of whatever rank or degree, peer or peasant, is compellable by any magistrate to come forward and convict himself of what may be thought a singular offence in a country professing to be free—keeping arms for his defence ; or, if he shall refuse so to do, may incur not only fine and imprisonment, but the vile and ignominious punishments of the pillory and whipping, penalties appropriated to the most infamous malefactors, and more terrible to a liberal mind than death itself.

No Catholic whatsoever, as we apprehend, has his personal property secure. The law allows and encourages the disobedient and unnatural child to conform and deprive him of it : the unhappy father does not, even by the surrender of his all, purchase his repose ; he may be attacked by new bills, if his future industry be successful, and again be plundered by due process of law.

We are excluded, or may be excluded, from all petit juries, in civil actions, where one of the parties is a Protestant ; and we are further excluded from all petit juries in trials by information or indictment founded on any of the Popery laws, by which law we most humbly submit to your Majesty, that your loyal subjects, the Catholics of Ireland, are in this their native land, in a worse situation than that of aliens, for they may demand an equitable privilege denied to us, of having half their jury aliens like themselves.

We may not serve on grand juries, unless, which it is scarcely possible can ever happen, there should not be found a sufficiency of Protestants to complete the pannel ; contrary to that humane and equitable principle of the law, which says, that no man shall be convicted of any capital offence, unless by the concurring verdicts of two juries of his neighbours and equals ; whereby, (and to this we humbly presume more particularly to implore your royal attention) we are deprived of the great palladium of the constitution, trial by our peers, independent of the manifest injustice of our property being taxed in assessments by a body, from which we are formally excluded.

We avoid a further enumeration of inferior grievances ; but may it please your Majesty, there remains one incapacity,

city, which your loyal subjects, the Catholics of Ireland, feel with most poignant anguish of mind, as being the badge of unmerited disgrace and ignominy, and the cause and bitter aggravation of all our other calamities ; we are deprived of the elective franchise, to the manifest perversion of the spirit of the constitution, inasmuch as your faithful subjects are thereby taxed, where they are not represented, actually or virtually, and bound by laws, in the framing of which they have no power to give or withhold their assent ; and we most humbly implore your Majesty to believe, that this our prime and heavy grievance is not an evil merely speculative, but is attended with great distress to all ranks, and, in many instances, with the total ruin and destruction of the lower orders of your Majesty's faithful and loyal subjects the Catholics of Ireland ; for, may it please your Majesty, not to mention the infinite variety of advantages in point of protection and otherwise, which the enjoyment of the elective franchise gives to those who possess it, nor the consequent inconveniencies to which those who are deprived thereof are liable ; not to mention the disgrace to three-fourths of your loyal subjects of Ireland, of living the only body of men incapable of franchise, in a nation possessing a free constitution, it continually happens, and of necessity from the malignant nature of the law must happen, that multitudes of the Catholic tenantry in divers counties in this kingdom are, at the expiration of their leases, expelled from their tenements and farms, to make room for Protestant freeholders, who, by their votes, may contribute to the weight and importance of their landlords ; a circumstance which renders the recurrence of a general election, that period which is the boast and laudable triumph of our Protestant brethren, a visitation and heavy curse to us, your Majesty's dutiful and loyal subjects. And may it please your Majesty, this uncertainty of possession to your Majesty's Catholic subjects, operates as a perpetual restraint and discouragement on industry and the spirit of cultivation, whereby it happens, that this your Majesty's kingdom of Ireland, possessing many and great natural advantages of soil and climate, so as to be exceeded therein by few, if any countries on the earth, is yet prevented from availing herself thereof so fully as she otherwise might, to the furtherance

of your Majesty's honour, and the more effectual support of your service.

And, may it please your Majesty, the evil does not even rest here ; for many of your Majesty's Catholic subjects, to preserve their families from total destruction, submit to a nominal conformity against their conviction and their conscience, and preferring perjury to famine, take oaths which they utterly disbelieve ; a circumstance which we doubt not will shock your Majesty's well known and exemplary piety, not less than the misery which drives those unhappy wretches to so desperate a measure, must distress and wound your royal clemency and commiseration.

And may it please your Majesty, though we might here rest our case on its own merits, justice, and expediency, yet we further presume humbly to submit to your Majesty, that the right of franchise was, with divers other rights, enjoyed by the Catholics of this kingdom, from the first adoption of the English constitution by our forefathers, was secured to at least a great part of our body by the treaty of Limerick, in 1691, guaranteed by your Majesty's royal predecessors, King William and Queen Mary, and finally confirmed and ratified by Parliament ; notwithstanding which, and in breach of the public faith of the nation, thus solemnly pledged, for which our ancestors paid a valuable consideration, in the surrender of their arms, and a great part of this kingdom, and notwithstanding the most scrupulous adherence on our part, to the terms of the said treaty, and our unremitting loyalty from that day to the present, the said right of elective franchise was finally and universally taken away from the Catholics of Ireland, so lately as the first year of his Majesty King George the Second.

And when we thus presume to submit this infraction of the treaty of Limerick to your Majesty's royal notice, it is not that we ourselves consider it to be the strong part of our case ; for, though our rights were recognized, they were by no means created by that treaty ; and we do with all humility conceive, that if no such event as the said treaty had ever taken place, your Majesty's Catholic subjects, from their unvarying loyalty, and dutiful submission to the laws, and from the great support afforded by them to your Majesty's government in this country, as well in
their

their personal service, in your Majesty's fleets and armies, as from the taxes and revenues levied on their property, are fully competent, and justly entitled to participate and enjoy the blessings of the constitution of their country.

And now that we have, with all humility, submitted our grievances to your Majesty, permit us, most gracious Sovereign, again to represent our sincere attachment to the constitution, as established in the three estates of King, Lords, and Commons; our uninterrupted loyalty, peaceable demeanour, and submission to the laws for one hundred years, and our determination to persevere in the same dutiful conduct, which has, under your Majesty's happy auspices, procured us those relaxations of the penal statutes, which the wisdom of the legislature has from time to time thought proper to grant; we humbly presume to hope, that your Majesty, in your paternal goodness and affection towards a numerous and oppressed body of your loyal subjects, may be graciously pleased to recommend to your Parliament of Ireland, to take into their consideration the whole of our situation, our numbers, our merits, and our sufferings; and as we do not give place to any of your Majesty's subjects in loyalty and attachment to your sacred person, we cannot suppress our wishes of being restored to the rights and privileges of the constitution of our country, and thereby becoming more worthy, as well as more capable, of rendering your Majesty that service, which it is not less our duty than our inclination to afford.

So may your Majesty transmit to your latest posterity, a crown secured by public advantage and public affection; and so may your royal person become, if possible, more dear to your grateful people.

On the 2d January, 1793, the gentlemen who had been deputed to present this petition, were introduced to his Majesty by Mr. Dundas; and, on the 10th of the same month, Lord Westmoreland, in a speech from the throne to both Houses of Parliament, said, "I have it in particular command
"from his Majesty, to recommend it to you, to
"apply yourselves to the consideration of such

“ measures as may be most likely to strengthen and
 “ cement a general union of sentiment among all
 “ classes of his Majesty’s subjects, in support of the
 “ established constitution ; with this view his Ma-
 “ jesty trusts, that the situation of his Majesty’s
 “ Catholic subjects will engage your serious atten-
 “ tion ; and, in consideration of this subject, he
 “ relies on the wisdom and liberality of Parlia-
 “ ment.”

In a few days afterwards, Major Hobart, now Lord Buckinghamshire, presented to the House of Commons a petition from the Catholics, praying for relief. A petition to the same effect was presented from the Protestant inhabitants of Belfast, and soon after the royal assent was given to the following act for affording relief to his Majesty’s Popish or Roman Catholic subjects of Ireland.

Whereas various acts of Parliament have been passed, imposing on his Majesty’s subjects professing the Popish or Roman Catholic religion, many restraints and disabilities to which other subjects of this realm are not liable ; and, from the peaceable and loyal demeanour of his Majesty’s Popish or Roman Catholic subjects, it is fit that such restraints and disabilities shall be discontinued : Be it therefore enacted by the King’s most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that his Majesty’s subjects being Papists, or persons professing the Popish or Roman Catholic religion, or married to Papists, or persons professing the Popish or Roman Catholic religion, or educating any of their children in that religion, shall not be liable or subject to any penalties, forfeitures, disabilities, or incapacities ; or to any laws for the limitation, charging, or discovering of their estates and property, real or personal, or touching the acquiring of property, or securities affecting property, save such as his Majesty’s subjects of the Protestant religion are liable and subject to ;

and that such parts of all oaths as are required to be taken by persons, in order to qualify themselves for voting at elections of members to serve in Parliament; and also such parts of all oaths required to be taken by persons voting at elections for members to serve in Parliament, as import to deny that the person taking the same is a Papist, or married to a Papist, or educates his children in the Popish religion, shall not hereafter be required to be taken by any voter, but shall be omitted by the person administering the same; and that it shall not be necessary, in order to entitle a Papist, or person professing the Popish or Roman Catholic religion to vote at an election of members to serve in Parliament, that he should at, or previous to his voting, take the oaths of allegiance and abjuration, any statute now in force to the contrary of any of the said matters, in any wise notwithstanding.

2. Provided always, and be it further enacted, that all Papists, or persons professing the Popish or Roman Catholic religion, who may claim to have a right of voting for members to serve in Parliament, or of voting for magistrates in any city, town corporate, or borough, within this kingdom, be hereby required to perform all qualifications, registries, and other requisites, which are now required of his Majesty's Protestant subjects in like cases, by any law or laws now of force in this kingdom, save and except such oaths and parts of oaths, as are herein before excepted.

3. And provided always, That nothing herein before contained shall extend, or be construed to extend to repeal, or alter any law or act of Parliament now in force, by which certain qualifications are required to be performed by persons enjoying any offices or places of trust under his Majesty, his heirs and successors, other than as herein after is enacted.

4. Provided also, That nothing herein contained shall extend or be construed to extend to give Papists or persons professing the Popish religion, a right to vote at any parish vestry for levying money to rebuild or repair any parish church, or respecting the demising or disposal of

the income of any estate belonging to any church or parish, or for the salary of the parish clerk, or at the election of any churchwarden.

5. Provided always, That nothing contained in this act shall extend to, or be construed to affect any action or suit now depending, which shall have been brought or instituted previous to the commencement of this session of Parliament.

6. Provided also, That nothing herein contained shall extend to authorize any Papist or person professing the Popish or Roman Catholic religion, to have or keep in his hands or possession any arms, armour, ammunition, or any warlike stores, sword blades, barrels, locks, or stocks of guns or fire arms, or to exempt such person from any forfeiture or penalty inflicted by any act respecting arms, armour or ammunition, in the hands or possession of any Papist, or respecting Papists having or keeping such warlike stores, save and except Papists or persons of the Popish or Roman Catholic religion, seized of a freehold estate of one hundred pounds a-year, or possessed of a personal estate of one thousand pounds or upwards, who are hereby authorized to keep arms and ammunition as Protestants now by law may ; and also save and except Papists or Roman Catholics possessing a freehold estate of ten pounds yearly value, and less than one hundred pounds, or a personal estate of three hundred pounds, and less than one thousand pounds, who shall have, at the session of the peace in the county in which they reside, taken the oath of allegiance prescribed to be taken, by an act passed in the thirteenth and fourteenth years of his present Majesty's reign, entitled, " An Act to enable his Majesty's " Subjects, of whatever Persuasion, to testify their allegiance to him ;" and also, in open court, swear and subscribe an affidavit, that they are possessed of a freehold estate, yielding a clear yearly profit to the person making the same, of ten pounds, or a personal property of three hundred pounds above his just debts, specifying therein the name and nature of such freehold, and nature of such personal property ; which affidavits shall be carefully preserved by the clerk of the peace, who shall have for his trouble a fee of sixpence, and no more, for every such affidavit

affidavit ; and the person making such affidavits, and possessing such property, may keep and use arms and ammunition as Protestants may, so long as they shall respectively possess a property of the annual value of ten pounds and upwards, if freehold, or the value of three hundred pounds if personal, any statute to the contrary notwithstanding.

7. And be it enacted, That it shall and may be lawful for Papists, or persons professing the Popish or Roman Catholic religion, to hold, exercise, and enjoy, all civil and military offices, or places of trust or profit under his Majesty, his heirs and successors, in this kingdom ; and to hold or take degrees, or any professorship in, or be masters or fellows of any college to be hereafter founded in this kingdom, provided that such college shall be a member of the university of Dublin, and shall not be founded exclusively for the education of Papists, or persons professing the Popish or Roman Catholic religion, nor consist exclusively of masters, fellows, or other persons to be named or elected on the foundation of such college, being persons professing the Popish or Roman Catholic religion, or to hold any office or place of trust in, and to be a member of any lay body corporate, except the college of the Holy and undivided Trinity of Queen Elizabeth, near Dublin, without taking and subscribing the oath of allegiance, supremacy, or abjuration, or making or subscribing the declaration required to be taken, made, and subscribed, to enable any person to hold and enjoy any of such places, and without receiving the Sacrament of the Lord's Supper, according to the rights and ceremonies of the Church of Ireland, and law, statute, or bye-law, of any corporation to the contrary notwithstanding ; provided that every such person shall take and subscribe the oath appointed by the act, passed in the thirteenth and fourteenth years of his Majesty's reign, entitled, " An Act to enable his Majesty's Subjects, of whatever persuasion, to testify their allegiance to him ;" and also the oath and declaration following, that is to say :

" I A. B. do hereby declare, that I do profess the Roman Catholic religion."

“ I A. B. do swear, that I do abjure, condemn, and detest, as unchristian and impious, the principle that it is lawful to murder, destroy, or any ways injure any person whatsoever for or under the pretence of being a heretic ; and I do declare solemnly before God, that I believe, that no act in itself unjust, immoral, or wicked, can ever be justified or excused by or under pretence or colour that it was done either for the good of the church, or in obedience to any ecclesiastical power whatsoever. I also declare, that it is not an article of the Catholic faith, neither am I thereby required to believe or profess that the Pope is infallible, or that I am bound to obey any order in its own nature immoral, though the Pope, or any ecclesiastical power, should issue or direct such order ; but, on the contrary, I hold that it would be sinful in me to pay any respect or obedience thereto : I further declare, that I do not believe that any sin whatsoever committed by me can be forgiven at the mere will of any Pope, or of any priest, or of any person or persons whatsoever ; but that sincere sorrow for past sins, a firm and sincere resolution to avoid future guilt, and to atone to God, are previous and indispensable requisites to establish a well-founded expectation of forgiveness ; and that any person who receives absolution without these previous requisites, so far from obtaining thereby any remission of his sins, incurs the additional guilt of violating a sacrament ; and I do swear that I will defend, to the utmost of my power, the settlement and arrangement of property in this country as established by the laws now in being ; I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present church establishment, for the purpose of substituting a Catholic establishment in its stead ; and I do solemnly swear, that I will not exercise any privilege to which I am or may become entitled, to disturb and weaken the Protestant religion and Protestant government in this kingdom.

“ So help me God.”

8. And be it enacted, That Papists, or persons professing the Popish or Roman Catholic religion, may be capable of being elected professors of medicine upon the foundation of Sir Patrick Dunn, any law or statute to the contrary notwithstanding.

9. Pro-

9. Provided always, and be it enacted, That nothing herein contained shall extend or be construed to extend to enable any person to sit or vote in either House of Parliament, or to hold, exercise, or enjoy the Office of Lord Lieutenant, Lord Deputy, or other Chief Governor or Governors of this kingdom, Lord High Chancellor or Keeper, or Commissioner of the Great Seal of this kingdom, Lord High Treasurer, Chancellor of the Exchequer, Chief Justice of the Court of King's Bench or Common Pleas, Lord Chief Baron of the Court of Exchequer, Justice of the Court of King's Bench or Common Pleas, or Baron of the Court of Exchequer, Judge of the High Court of Admiralty, Master or Keeper of the Rolls, Secretary of State, Keeper of the Privy Seal, Vice-Treasurer, Teller and Cashier of the Exchequer, or Auditor General, Lieutenant or Governor, or *Custos Rotulorum* of Counties, Secretary to the Lord Lieutenant, Lord Deputy, or other Chief Governor or Governors of this kingdom, Member of his Majesty's most honourable Privy Council, Prime Serjeant, Attorney-General, Solicitor-General, Second and Third Serjeants at Law, or King's Council, Masters in Chancery, Provost or Fellow of the College of the holy and undivided Trinity of Queen Elizabeth, near Dublin; Post-Master General, Master and Lieutenant General of his Majesty's Forces, Generals on the Staff, and Sheriffs and Sub-sheriffs of any County in this kingdom, or any office contrary to the rules, orders, and directions made and established by the Lord Lieutenant and Council, in pursuance of the act passed in the seventeenth and eighteenth years of the reign of King Charles the Second, entitled, "An Act for the explaining
 " of some doubts arising upon an Act, entitled, An Act for
 " the better execution of his Majesty's gracious Declara-
 " tion for the Settlement of his Kingdom of Ireland, and
 " Satisfaction of the several Interests of Adventurers, Sol-
 " diers, and other his Majesty's Subjects there, and for
 " making some alterations of, and additions unto the said
 " Act, for the more speedy and effectual Settlement of this
 " Kingdom," unless he shall have taken, made, and sub-
 " scribed the oaths and declaration, and performed the several
 " requisites which by any law heretofore made, and now
 " of force, are required to enable any person to sit or vote,
 " or to hold, exercise, and enjoy the said offices respectively.

10. Pro-

10. Provided also, and be it enacted, That nothing in this act contained shall enable any Papist, or person professing the Popish or Roman Catholic religion to exercise any right of presentation to any ecclesiastical benefice whatsoever.

11. And be it enacted, That no Papist, or person professing the Popish or Roman Catholic religion shall be liable to, or subject to any penalty for not attending divine service on the Sabbath-day, called Sunday, in his or her parish church.

12. Provided also, and be it enacted, That nothing herein contained shall be construed to extend to authorise any Popish priest, or reputed Popish priest, to celebrate marriage between Protestant and Protestant, or between any person who hath been, or professed himself or herself to be a Protestant at any time within twelve months before such celebration of marriage, and a Papist, unless such Protestant and Papist should have been first married by a clergyman of the Protestant religion; and that every Popish priest, or reputed Popish priest, who shall celebrate any marriage between two Protestants, or between any such Protestant and Papist, unless such Protestant and Papist shall have been first married by a clergyman of the Protestant religion, shall forfeit the sum of five hundred pounds to his Majesty, upon conviction thereof.

13. And whereas it may be expedient, in case his Majesty, his heirs and successors, shall be pleased to alter the statutes of the college of the holy and undivided Trinity, near Dublin, and of the university of Dublin, as to enable persons professing the Roman Catholic religion to enter into or take degrees in the said university to remove any obstacle which now exists by statute law; be it enacted, That from and after the first day of June, one thousand seven hundred and ninety-three, it shall not be necessary for any person upon taking any of the degrees usually conferred by the said university to make or subscribe any declaration, or to take any oath save the oaths of allegiance and abjuration, any law or statute to the contrary notwithstanding.

14. Provided always, That no Papist or Roman Catholic, or persons professing the Roman Catholic or Popish religion, shall take any benefit by or under this act, unless he shall have first taken and subscribed the oath and declaration in this act contained and set forth, and also the said oath appointed by the said act passed in the thirteenth and fourteenth years of his Majesty's reign, entitled "An act "to enable his Majesty's subjects, of whatever persuasion, "to testify their allegiance to him," in some one of his Majesty's four courts of Dublin, or at the general sessions of the peace, or at any adjournment thereof to be holden for the county, city, or borough wherein such Papist or Roman Catholic, or person professing the Roman Catholic or Popish religion, doth inhabit or dwell, or before the going judge or judges of assize, in the county wherein such Papist or Roman Catholic, or person professing the Roman Catholic or Popish religion doth inhabit and dwell, in open court.

15. Provided always, and be it enacted, That the names of such persons as shall so take and subscribe the said oaths and declaration, with their titles and additions, shall be entered upon the rolls for that purpose to be appointed by said respective courts; and that the said rolls, once in every year, shall be transmitted to, and deposited in the rolls office in this kingdom, to remain amongst the records thereof; and the masters or keepers of the rolls in this kingdom, or their lawful deputy or deputies, are hereby empowered and required to give and deliver to such person or persons so taking and subscribing the said oaths and declaration, a certificate or certificates of such person or persons having taken and subscribed the said oaths and declaration, for each of which certificates the sum of one shilling, and no more shall be paid.

16. And be it further provided and enacted, That from and after the first day of April, one thousand seven hundred and ninety-three, no freeholder, burgess, freeman, or inhabitant of this kingdom, being a Papist or Roman Catholic, or person professing the Roman Catholic or Popish religion, shall at any time be capable of giving his vote for the electing of any knight or knights of any shire or county

county within this kingdom, or citizen or burgess to serve in any Parliament, until he shall have first produced and shewn to the high sheriff of the said county, or his deputy or deputies, at any election of a knight or knights of the said shire, and to the respective chief officer or officers of any city, borough, or town corporate to whom the return of any citizen or burgess to serve in Parliament, such certificate of his having taken and subscribed the said oaths and declaration, either from the rolls office, or from the proper officer of the court in which the said oaths and declaration shall be taken and subscribed; and such person being a freeholder, freeman, burgess, or inhabitant, so producing and shewing such certificate, shall be then permitted to vote as amply and fully as any Protestant freeholder, freeman, burgess, or inhabitant of such county, city, borough or town corporate, but not otherwise.*

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* As no further concessions have been made to the Catholics, it may be as well to enumerate here, as in any other place, the various disabilities to which they are still liable.

Education.—They cannot teach school, unless they take the oaths of 13th, 14th Geo. III. c. 35. They cannot take Protestant scholars, or be ushers to Protestant schoolmasters, 32d Geo. III. c. 20.

Guardianship.—They cannot be guardians, unless they take the oaths of 13th, 14th Geo. III. c. 35. If ecclesiastics, they cannot, under any circumstances, be guardians; nor can any Catholic be guardian to a child of a Protestant, 30th Geo. III. c. 29.

Marriage.—If a Catholic clergyman marries a Protestant and a Catholic, the marriage is null and void, and he is liable to suffer death, 32d Geo. III. c. 21.

Self-defence.—No Catholic can keep arms; unless he possesses a freehold estate of 10l. per annum, or a personal estate of 300l. If so qualified, he must further qualify himself by taking the oaths of 13th, 14th Geo. III. c. 35. unless he has a freehold estate of 100l. per annum, or a personal estate of 1000l. 33d Geo. III. c. 21.

Exercise of Religion.—The Catholic clergy must take the oaths of 13th, 14th Geo. III. c. 35. and register their place of abode, age, and parish. No chapel can have a steeple or bell, no funeral can take place in any church or chapel-yard, and no rites or ceremonies of the religion or habits of their order are per-

The general committee, in testimony of their gratitude to the King for this most important concession, presented the following address to the Lord Lieutenant, to be by him transmitted to his Majesty.

Most Gracious Sovereign,

We your Majesty's most dutiful and loyal subjects the Catholics of Ireland, animated with sentiments of the most lively gratitude, beg leave to approach your Majesty with our sincere and heartfelt thanks, for the substantial bene-

permitted, except within their several places of worship, or in private houses, 21st, 22d Geo. III. c. 24. § 6.

Property.—The laws of Anne are in force against all Catholics who do not take the oaths of 13th, 14th Geo. III. c. 35. and also against all Protestants who may have lapsed or become converts to the Catholic religion.

Franchises.—No Catholic can hold any of the offices enumerated in § 9. of the act here inserted, of 33 G. III. c. 21.

Catholics cannot sit in Parliament. They cannot vote at elections for members without taking the oaths of the 13th, 14th Geo. III. c. 35. and of 33d Geo. III. c. 21. They cannot vote at vestries. They cannot be barristers, attorneys, or professors of medicine on Sir P. Dunne's foundation, without taking the oaths of 13th, 14th Geo. III. c. 35. and of 33d Geo. III. c. 21. or even fowlers and gamekeepers.

Catholic Soldiers. by the mutiny act, if they refuse to frequent the Church of England worship, when ordered to do so by their commanding officer, shall, for the first offence, forfeit 12d.; and, for the second, not only forfeit 12d. but be laid in irons for 12 hours; and, by the 2d section, art 5. of the articles of war, the punishment even extends to that of death.

An Irish Catholic officer or soldier on landing in Great Britain, Jersey, or Guernsey, is immediately liable to the penalty, among others, by the English act 1st Geo. I. c. 13. of forfeiting 300l.

Catholics are excluded from holding the offices of Governor, Deputy-Governor or Director, of the Bank of Ireland.

No part, scarcely, in fact, of the penal code is repealed, but all of it is now the law of the land, and in full force against those Catholics who have not qualified themselves for relief from its violence, by taking the oaths of 13th, 14th Geo. III. c. 35. or who may have lapsed or become converts to the Catholic religion.

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sits, which, through your Majesty's gracious recommendations, we have received from the wisdom and liberality of Parliament.

Impressed with a deep sense of your Majesty's goodness, we reflect, that, in consequence of this last and signal instance of your royal favour, the disabilities under which we and our ancestors so long laboured, have, in a considerable degree, been removed, the constitutional energy of three-fourths of your loyal subjects restored to their country, and themselves enabled to testify, in a manner more useful to your Majesty's service, their devoted attachment to your person, family, and government. Restored as we now are, to such valuable privileges, it shall be our duty, as it is our inclination, to unite in support of our excellent constitution, as established in King, Lords, and Commons: A constitution revered by us for its excellence, even when secluded from its blessings, and from which every advantage we derive becomes a new tie of fidelity and attachment.

Permit us, most gracious Sovereign, to express our unfeigned satisfaction, that, to a Monarch endeared to us by so many proofs of clemency, belongs the glorious distinctions of being the first to begin that work of emancipation, in the accomplishment of which, we humbly hope, your Majesty will enjoy the gratification of seeing your whole people united in the bonds of equal law and equal liberty.

May your Majesty long continue to reign in the hearts of your faithful subjects, dispensing, as common father to all your people, the inestimable blessings of freedom, peace, and union.

The committee likewise addressed Lord Westmoreland ! That liberal and consistent Lord Lieutenant, who, in 1790, would not admit the loyal Catholics of Cork *to hope* for any relief from their disabilities ; who, in 1792, set on foot the violent resolutions of the corporations and grand juries against all concessions to the Catholics ; and who, in 1793, was not ashamed ~~to~~ retrace his steps and
become

become the public organ of his Majesty's more benevolent and enlightened policy.

Although this act declared that Catholics might hold any military office or employment, as its powers could not extend out of Ireland, and as all Irish Catholic soldiers, sailors, and officers, were uniformly employed on services out of Ireland, it was represented to the government, that, in order to give it any useful effect in this respect, the English act of 1st Geo. I. which prohibits Catholics from filling any military situation, should be repealed. In answer to their application, the Catholics were informed by Lord Hobart, that such a measure would be immediately adopted, and the letter of the Secretary of State was shewn to them, containing the promise of the English government. In the House of Lords, when, upon the debate of this act, Lord Farnham proposed an amendment to the clause relating to the military officers, by rendering its operation conditional, until England should pass a similar law, the Chancellor, Lord Clare, opposed it; "for," said he, "it could not be supposed that his Majesty would appoint a man to such a post until the laws of the empire should fully qualify him to act in every part of it. It was more than probable a similar law to this would be adopted in England before the lapse of two months, and on this ground the amendment would be wholly unnecessary." *

Fourteen years, however, were allowed to pass by without any such law having been attempted to be adopted in England; and, when the late Ministers sought to rescue the plighted faith of their predecessors from well merited reproach, they were accused of an attempt to subvert the established church, and driven from the councils of his Majesty

* Plowden's Hist. of Br. Empire during 1792 and 1793.

Majesty as the allies of the Pope and the instruments of Bonaparte.

In the course of this year, a most unequivocal proof was given of the liberal sentiments which prevailed throughout the Protestants of the North of Ireland, in regard to their Catholic fellow-countrymen. At the meeting of the convention of delegates, which was held in February at Dunganon, and in which the counties of Antrim, Down, Londonderry, Tyrone, Donegal, and Monaghan, were fully represented, they passed resolutions in favour of the absolute necessity of a reform in Parliament, including the unqualified admission of the Catholics. The Synod of Ulster also (a body consisting of the whole dissenting clergy of the North, and the Presbytery of Dublin, together with a lay delegate from each parish) presented an address to the Lord Lieutenant, in which they expressed their satisfaction at the admission of the Catholics to the privileges of the constitution.

These occurrences are of vast importance in forming a correct view of the opinion of the Irish Protestants upon this question; because the Presbyterians being in numbers fully equal to the Protestants of the Church of England, it leaves but a small number of the whole people adverse to the Catholic claims, even if all these Protestants were, as they certainly are not, hostile to emancipation.*

During this session, another subject occupied the serious attention of the upper house of Parliament. Disturbances had broken out, and outrages were committed in the county of Louth, and the neighbouring counties of Meath, Cavan, and Monaghan, by persons of the very lowest rank in life, associated under the name of defenders. This
body

* See Appendix—Note C.

body had its origin in religious persecution, and was an almost inevitable consequence of the system, according to which Ulster had been colonized and settled, and Ireland ruled since the reformation. In that province English and Scotch planters had been established on the forfeited lands of the native Catholics. These last were, for the most part, obliged to retire to the bogs and mountains; but, even there, they were not permitted to lose the remembrance of their forefathers, their power and their opulence, in the tranquil enjoyment of security and content. The bogs and mountains afforded them no refuge against the acts of uniformity and supremacy, or the accumulating oppressions of the Popery laws. Nor were the wretched inhabitants exempted by their defenceless condition from the hatred, contempt, and persecution of their privileged and arrogant neighbours. Hence arose a mutual rancorous animosity between the new settlers and natives; or, in other words, between the Protestants and Catholics, transmitted from generation to generation, until at last it became more violent and intolerant than in any other part of Ireland.

The volunteers, by the benign influence of their institution, had, for the first time, considerably abated this spirit; and, by their successful activity as military men, in keeping the peace, had prevented its receiving fresh provocation by outrage and insult. But in proportion as this body declined, or was discouraged, prejudices and hatred revived, especially in districts remote from the principal presbyterian towns, where the growing liberality of the most enlightened dissenters could scarcely operate. These prejudices, which chiefly

prevailing in the county of Armagh,* extended, more or less, into the adjoining districts of the counties of Down and Tyrone, began to break out in the year 1791. About that period several associations, among the lower orders of the Protestants, were formed, under the appellation of *Peep-a-day Boys*, whose object was to scour the Catholic districts about the break of day, and strip

* *Lord Viscount Gosford's Address to the Magistrates of the County of Armagh.* Gentlemen—Having requested your attendance here this day, it becomes my duty to state the grounds upon which I thought it advisable to propose this meeting, and at the same time to submit to your consideration a plan which occurs to me as most likely to check the enormities that have already brought disgrace upon this country, and may soon reduce it into deep distress. It is no secret, that a persecution, accompanied with all the circumstances of ferocious cruelty, which have in all ages distinguished that dreadful calamity, is now raging in this country. Neither age nor sex, nor even acknowledged innocence as to any guilt in the late disturbances, is sufficient to excite mercy, much less to afford protection.

The only crime which the wretched objects of this ruthless persecution are charged with, is a crime, indeed, of easy proof; it is simply a profession of the Roman Catholic faith, or an intimate connection with a person professing this faith. A lawless banditti have constituted themselves judges of this new species of delinquency, and the sentence they have denounced is equally concise and terrible! It is nothing less than a confiscation of all property, and an immediate banishment. It would be extremely painful, and surely unnecessary, to detail the horrors that attend the execution of so rude and tremendous a proscription—a proscription that certainly exceeds, in the comparative number of those it consigns to ruin and misery, every example that ancient and modern history can supply: for, where have we heard, or in what story of human cruelties have we read, of more than half the inhabitants of a populous country deprived at one blow of the means as well as of the fruits of their industry, and driven, in the midst of an inclement season, to seek a shelter for themselves and their helpless families where chance may guide them. This is no exaggerated picture of the horrid

scenes

strip the inhabitants of fire-arms, alledging that they were warranted in so doing by the Popery laws, which had indeed for a long period forbidden, to the members of that communion the use of arms, even for self-defence.

The

scenes now acting in this county. Yet surely it is sufficient to awaken sentiments of indignation and compassion in the coldest bosoms. These horrors are now acting with impunity. The spirit of impartial justice (without which law is nothing better than an instrument of tyranny) has for a time disappeared in this county, and the supineness of the magistracy of Armagh is become a common topic of conversation in every corner of the kingdom.

It is said in reply, the catholics are dangerous ; they may be so—they may be dangerous from their numbers, and still more dangerous from the unbounded views they have been encouraged to entertain ; but I will venture to assert, without fear of contradiction, that these proceedings are not more contrary to humanity than they are to sound policy. It is to be lamented, that no civil magistrate happened to be present with the military detachment on the night of the 21st instant ; but, I trust, the suddenness of the occasion, the unexpected and instantaneous aggression on the part of the delinquents will be universally admitted as a full vindication of the conduct of the officer, and the party acting under his command. Gentlemen, I have the honour to hold a situation in this county, which calls upon me to deliver my sentiments, and I do it without fear and without disguise. I am as true a protestant as any gentleman in this room, I inherit a property which my family derived under a protestant title, and, with the blessing of God, I will maintain that title to the utmost of my power. I will never consent to make a sacrifice of protestant ascendancy to catholic claims, with whatever menace they may be urged, or however speciously or invidiously supported. Conscious of my sincerity in this public declaration, which I do not make unadvisedly, but as the result of mature deliberation, I defy the paltry insinuations that malice or party-spirit may suggest.

I know my own heart, and I should despise myself, if, under any intimidation, I could close my eyes against such scenes as present themselves on every side, or my ears against the complaints of a persecuted people.

The Catholics, thus exposed and attacked, entered into a counter-association, called defenders, which derived its name from the necessity of their situation, and its excuse from the difficulty, or as they

I should be guilty of an unpardonable injustice to the feelings of gentlemen here present, were I to say more on this subject. I have now acquitted myself to my conscience and my country, and take the liberty of proposing the following resolutions.

1st. That it appears to this meeting, that the county of Armagh is at this moment in a state of uncommon disorder ; that the Roman catholic inhabitants are grievously oppressed by lawless persons unknown, who attack and plunder their houses by night, and threaten them with instant destruction, unless they immediately abandon their lands and habitations.

2d. That a committee of magistrates be appointed to sit on Tuesdays and Saturdays in the chapter-room in the town of Armagh, to receive information against all persons of whatever description, who disturb the peace of this county.

3d. That the instruction of the whole body of magistrates to their committee shall be to use every legal means within their power to stop the progress of the persecution now carrying on by an ungovernable mob against the Roman catholic inhabitants of this county.

4th. That said committee, or any three of them, be empowered to expend any sum or sums of money, for information or secret service, out of the fund subscribed by the gentlemen of this county

5th. That a meeting of the whole body of the magistracy be held every second Monday, at the house of Mr. Charles M'Reynolds, in the town of Armagh, to hear the reports of the committee, and to give such further instructions as the exigence of the case may require.

6th. That offenders of every description in the present disturbances shall be prosecuted out of the fund subscribed by the gentlemen of this county.

they stated, the impossibility of obtaining justice against their aggressors. This association, at first local and confined, as much as mutual hatred would allow, to actual self-defence, began in 1792 to spread through other parts of the kingdom, and not a little to connect itself with more general politics.

In proportion as this association extended itself into districts where no Protestants of inferior rank in life were to be found, and therefore no outrages like those committed by the *Peep-a-day Boys* to be apprehended, it gradually lost its characteristic of being a religious feud, and became, in fact, an association of the very lowest orders, particularly for procuring a redress of the grievances of the very lowest orders. Even in the counties where it originated, it ceased to be actuated by religious animosity before the end of 1792, in consequence of the exertions of the early United Irishmen, whose chief endeavours were always directed to reconcile the Protestants and Catholics.

These disturbances having attracted the attention of the House of Lords early in 1793, a secret committee was appointed to enquire into their causes, to endeavour to discover their promoters and to prevent their extension.

In their report they exculpate the Catholics as a body from all criminality with respect to these proceedings. They say, "That nothing appeared before them which could lead them to believe that the body of the Roman Catholics in this kingdom were concerned in promoting or countenancing such disturbances:" and then they even acquit the lower orders of Catholics of being to blame, by saying, "That if all the Magistrates in the disturbed counties had followed the

“ spirited example of the few, who, much to their
 “ honour, exerted themselves with vigour and
 “ courage to support the laws, the committee are
 “ persuaded, that these disturbances might have
 “ been suppressed ; but, instead of doing so, they
 “ remained inactive.”

In further corroboration of the innocence of the Catholics there is the following declaration of one of the members of the committee in the debate on the Catholic bill. Lord Portarlington said,
 “ That if he was not fully convinced that the Ca-
 “ tholic body had no connection whatever in the
 “ disturbances created by some of their communion
 “ in the North, he should never give this bill his
 “ support.”

The Catholic clergy, who have been uniformly ready to promote tranquillity, and inculcate the obligation of a strict submission to the laws, were not backward, on this occasion, in assisting government to suppress the outrages of the defenders. Dr. Troy, Dr. O'Reilly, Dr. Bray, Dr. Bellew, and Dr. Cruise, all of them titular bishops, happening to be in Dublin when the business was first taken up to the House of Lords, published the following admonition to those of their communion, and directed the priests of their dioceses to read it in their respective chapels.

In

Dear Christians,

Dublin, January 25, 1793.

It has been our constant practice, as it is our indispensable duty, to exhort you to manifest on all occasions, that unshaken loyalty to his Majesty, and obedience to the laws, which the principles of our holy religion inspire and command. This loyalty and obedience have ever peculiarly distinguished the Roman Catholics of Ireland. We do not conceive a doubt of their being actuated at present by

the same sentiments ; but think it necessary to observe, that a most lively gratitude to our beloved Sovereign should render their loyalty and love of order, if possible, more conspicuous. Our gracious King, the common father of all his people, has, with peculiar energy, recommended his faithful Roman Catholic subjects of this kingdom to the wisdom and liberality of our enlightened Parliament. How can we, dear Christians, express our heartfelt acknowledgements for this signal and unprecedented instance of royal benevolence and condescension ! Words are insufficient ; but your continued and peaceable conduct will more effectually proclaim them, and in a manner equally, if not more satisfactory and pleasing to his Majesty and his Parliament. Avoid then, we conjure you, dearest brethern, every appearance of riot : attend to your industrious pursuits for the support and comfort of your families ; fly from idle assemblies ; abstain from the intemperate use of spirituous and intoxicating liquors ; practise the duties of our holy religion : this conduct, so pleasing to Heaven, will also prove the most powerful recommendation of your present claims to our amiable Sovereign, to both Houses of Parliament, to the magistrates, and to all our well meaning fellow-subjects of every description. None but the evil-minded can rejoice in your being concerned in any disturbance.

We cannot but declare our utmost and conscientious detestation and abhorrence of the enormities lately committed by seditious and misguided wretches of every religious denomination, in some counties of this kingdom ; they are enemies to God and man, the outcasts of society, and a disgrace to Christianity : we consider the Roman Catholics amongst them unworthy the appellation ; whether acting from themselves, or seduced to outrage by arts of designing enemies to us, and to national prosperity, intimately connected with our emancipation.

Offer your prayers, dearest brethren, to the Father of mercy, that he may inspire these deluded people with sentiments becoming Christians and good subjects ; supplicate the Almighty Ruler and Disposer of empires, by whom kings rule and legislators determine what is just, to direct his Majesty's councils, and forward his benevolent intentions to unite all his Irish subjects in bonds of com-

mon interest, and common endeavours for the perservation of peace and good order, and for every purpose tending to increase and secure national prosperity.

Beseech the throne of Mercy also, to assist both Houses of Parliament in their important deliberations ; that they may be distinguished by consummate wisdom and liberality, for the advantage of the kingdom, and the relief and happiness of his Majesty's subjects.

Under the pleasing expectations of your cheerful compliance with these our earnest solicitations, we most sincerely wish you every blessing in this life, and everlasting happiness in the next ; through our Lord Jesus Christ. Amen.

In the summer of 1794, Mr. Pitt formed his memorable coalition with the Rockingham party ; and though the ground of this transaction was a concurrence of opinion concerning the war with France, “ if the general management and superintendence of Ireland had not been offered to the Duke of Portland, that coalition could never have taken place : The sentiments that he had entertained, and the language he had held so publicly for years back on the subject, rendered the superintendence of Irish affairs a point that could not be dispensed with by him.”* It having thus become a point that could not be dispensed with by the Duke of Portland † to grant the Catholics of Ireland complete emancipation, the first measure of his Grace, immediately upon the coalition being arranged, was to solicit Lord Fitzwilliam to accept of the office of Lord Lieutenant, and to propose to him to carry this measure instantly into effect. ‡ This

* Letter from Lord Fitzwilliam to Lord Carlisle.

† The reader may possibly suppose that this Duke of Portland is not the Duke of Portland now at the head of the present Administration. The fact, however, is so.

‡ Lord Fitzwilliam's letter to Lord Carlisle.

measure was decided upon by the Cabinet on the day the Duke of Portland kissed hands, after frequent consultations between Mr. Pitt, the Duke of Portland, Lord Fitzwilliam, Mr. Grattan, and Mr. Ponsonby.*

Lord Fitzwilliam having acceded to the pressing solicitations of the Duke of Portland, to undertake to carry this favourite and indispensable measure into effect, landed in Dublin on the 2d of January. He had consented not to bring the question forward on the part of government, but rather to endeavour to keep it back until a period of more general tranquillity, "*but it had been resolved by the Cabinet, that, if the Catholics should appear determined to stir the business, and bring it before Parliament, then he was to give it a hand-some support on the part of government.*"† But no sooner was Lord Fitzwilliam landed than he found this determination had been taken by the Catholics.

The Catholics of Dublin had held a meeting on the 23d of December, and agreed to a petition to Parliament, claiming the repeal of all the penal laws. Similar petitions had been agreed to throughout the whole kingdom, the natural consequences of its being known for some months, that so steady and strenuous a friend to emancipation as the Duke of Portland had become one of his Majesty's Ministers. Lord Fitzwilliam finding, therefore, that the question would force itself upon his immediate consideration, communicated his opinion and intentions to the English government, on the third day after his arrival, in the following terms: "that not to grant cheerfully, on the part of

* Lord Fitzwilliam's letter to Lord Carlisle.

† Ibid.

"government,

“ government, all the Catholics wished for, would
 “ not only be exceedingly impolitic, but perhaps
 “ dangerous ; that in doing this no time was to be
 “ lost ; that the business would presently be
 “ at hand ; and that, *if he received no very pe-*
 “ *remptory directions to the contrary*, he would
 “ acquiesce to the wishes of the Catholics.”*

Parliament met on the 22d of January, and on the 12th of February, “ no peremptory directions to the contrary having arrived,” though so much time had elapsed since Lord Fitzwilliam had communicated his intentions to the English government, Mr. Grattan, with the consent of Lord Fitzwilliam, moved for leave to bring in a bill for the farther relief of the Catholics.

Meanwhile the English Cabinet forgot the stipulations which they had entered into with Lord Fitzwilliam, “ that if the Catholics should appear determined to stir the business and bring it before parliament, he was to give it a handsome support on the part of government,” and the Duke of Portland was directed by Mr. Pitt, to inform Lord Fitzwilliam, that, notwithstanding the length to which the Irish government had gone, it must retrace its steps. “ Then,” says Lord Fitzwilliam in his letter to Lord Carlisle, “ it appears to have been discovered that the deferring of it would be not merely an expediency or thing to be desired for the present, but the means of doing a greater good to the British empire, than it has been capable of receiving since the revolution, *or at least since the union.*”

Lord Fitzwilliam having refused to become an accomplice in the tergiversation of Mr. Pitt and

* Lord Fitzwilliam's letter to Lord Carlisle.

the Duke of Portland, that fatal measure of his recall was determined upon ; a measure which has involved Ireland in 13 years of sufferings under military tyranny, insurrection, and rebellion, and which at length has shook the stability of the empire to its centre.

Upon a debate in the House of Lords, which took place soon after Lord Fitzwilliam's return to England, on the subject of his conduct in Ireland, Lord Westmorland said, by the directions of Mr. Pitt, "That he had no authority whatever from Ministers in this country for taking the steps which he had done on the Catholic question." The incorrectness, however, of this assertion, it is now no very difficult matter to expose. In the first place, the measure of emancipation to the Catholics was originally the measure of Mr. Pitt and the Westmorland administration.* "The most strenuous and zealous friends," says Lord Fitzwilliam, "of my predecessor, claimed the credit of it for their patron in terms of the highest compliment. They did it in the House of Commons, they did it in the House of Lords last night. The persons whom Lord Westmorland then principally consulted, opposed it ; but the open interference of Lord Hobart, the avowed determination of the British Cabinet, communicated as such to the Catholic agents on the spot, as through the medium of confidential persons sent over to England for that purpose, bore down the opposition. The declarations of Mr. Pitt and Mr. Dundas are well known in this country, and are often quoted,

* Lord Fitzwilliam to Lord Carlisle.

"They

“ They would not risk a rebellion in Ireland on
 “ such a question.”

Here then is evidence, which has never been controverted, that, even before Lord Fitzwilliam went to Ireland, the measure had been determined upon by Mr. Pitt. The only question, therefore, to be decided, in judging of the correctness of Lord Westmorland's assertion, is, whether or not Mr. Pitt had consented that the proper time for adopting this measure was arrived, when Lord Fitzwilliam was sent to Ireland. That he had so consented there is in proof “ the language which the
 “ Duke of Portland had held so publicly for years
 “ back,” that the emancipation of the Catholics was indispensably necessary. There is the fact of his refusing to coalesce with Mr. Pitt, unless this measure was conceded; there are the frequent consultations that took place concerning it between Mr. Pitt, Lord Fitzwilliam, Mr. Grattan, and Mr. Ponsonby; the acceptance also of the office of Lord Lieutenant by Lord Fitzwilliam; and, finally, the word and honour of Lord Fitzwilliam, that his consent was absolutely given. All these circumstances, then, are in direct contradiction of the assertion of Lord Westmorland. But there is, besides, the remarkable sentence in the Duke of Portland's dispatch, that the deferring of the measure would be “ the means of doing
 “ a greater good to the British Empire, than
 “ it had been capable of receiving since the
 “ revolution, *or at least since the union.*” This shews that it was the object of Mr. Pitt's mind, at that time, to carry the union, and all the events which have since taken place, are evidence in favour of Lord Fitzwilliam's integrity
 and

and his duplicity; they are conclusively contradictory of the assertion of Lord Westmoreland, and fully expose one of the most disgraceful transactions that the annals of history have recorded in the worst of times.

When the differences that existed between the Lord Lieutenant and the English Cabinet were known, grief and consternation seized all who had flattered themselves that the measures of his Excellency's administration were to redress the grievances, remove the discontents, and work the salvation of Ireland. In the House of commons, Sir Lawrence Parsons moved to limit the money bills to two months; but Lord Milton and Mr. George Ponsonby deprecated the measure, and it was rejected. The House of Commons, however, unanimously resolved, that his Excellency had, by his conduct since his arrival, merited the thanks of the House, and the confidence of the people.

Out of Parliament the discontent was more manifest. The Catholics, who had now for six months felt secure of being at length relieved from the execrable system of pains and penalties, as the Duke of Portland himself was accustomed to call it, now saw the cup dashed from their lips, and could not but despair of ever seeing any termination to the perfidy of the English Cabinets. The Catholics of Dublin, impelled by these feelings, assembled on the 27th of February, and voted a petition to the King for the continuance of Lord Fitzwilliam as their Chief Governor; and those of the whole kingdom followed their example, by adopting resolutions and addresses expressive of the same sentiments.

The Protestants, too, assembled extensively, and

as loudly spoke their indignation at what they condemned as ministerial treachery, and considered as a great public calamity. The freemen and freeholders of the city of Dublin, like the Catholics, agreed to a petition to the King. The merchants and traders of the city expressed their sorrow at the rumoured recal of his Excellency, and their entire concurrence in the removal of all religious disabilities. The counties of Kildare, Wexford, Antrim, and Londonderry, followed the example of the freemen and freeholders of the capital, and the same sentiments seemed to pervade every part of the kingdom. The active republicans and new united Irishmen alone were not sorry at the agitation and controversies which were now springing up.

These expressions, however, of dissatisfaction on the part of the Irish people, were of no avail. A system of burning and torture was to succeed a system of conciliation, for the purpose of preparing Ireland for the union, and Lord Camden was selected as a fit person to succeed Lord Fitzwilliam as Lord Lieutenant.

The measure of union comes the next in the course of events in which the Catholics as a body were concerned; and, in strict propriety, it would be right now to proceed to shew how the Catholics were affected by it. But as there have been, and still are, those who, either through ignorance or in defiance of all regard for truth, assert that the rebellion of 1798 was a Catholic rebellion, and that the conduct of the Catholics on that occasion affords a justification for refusing to grant them further concessions, it will contribute to promote a more just view of the subject, if those facts are referred to, which exist, in refutation of the supposition
that

that the Catholics, as a body, were concerned in this rebellion.

Fortunately for the cause of truth and justice, there do exist documents, the authority of which no sophistry or calumny can impeach. These are the reports of the Committees of the Irish Parliament. They so minutely explain the cause, the conduct, and the character of this rebellion, and give such accurate information respecting those who were concerned in it, that it is impossible for any one to affix to it any other character than that which they have given to it. The justification, therefore, of the Catholics, by these reports, rests upon this circumstance, that, to maintain that the rebellion was a Catholic rebellion, is to dispute the authority of these reports, which make no such charge, and account for it by other means.

The following extracts from the report of the Committee of the House of Commons, appointed, in 1798, to examine the evidence, contains a faithful description of the origin and object of this transaction.

“ The society under the name of United Irishmen, it appears, was established in 1791; its founders held forth what they termed Catholic emancipation and parliamentary reform, as the ostensible objects of their union: but it clearly appeared, from the letter of Theobald Wolf Tone, accompanying their original constitution, as transmitted to Belfast for their adoption, that, from its commencement, the real purpose of those who were at the head of the institution, was to separate Ireland from Great Britain, and to subvert the established constitution of this kingdom: in corroboration of which, your committee have annexed to this report several of their early publications, particularly

particularly a prospectus of the society which appeared in the beginning of the year 1791; as also the plan of reform they recommended to the people."

"For the first three years their attention was entirely directed to the engaging in their society persons of activity and talents, in every quarter of the kingdom; and in preparing the public mind for their future purposes, by the circulation of the most seditious publications, particularly the works of Mr. Thomas Paine. At this time, however, the leaders were rather cautious of alarming minds not sufficiently ripe for the adoption of their principles, by the too open disclosure of the real objects which they had in view. In 1795, the test of the society underwent a striking revision; the words in the amended test stand, "a full representation of the people," omitting the words, "in the Commons House of Parliament;" the reason for which has been admitted by three members of the executive, examined before your committee, to be the better to reconcile reformers and republicans in a common exertion to overthrow the state."

"In the summer of 1796, great numbers of persons, principally in the province of Ulster, had enrolled themselves in this society. - About the same period, as will be more fully explained hereafter, a direct communication had been opened by the heads of the party with the enemy, and French assistance was solicited and promised to be speedily sent to aid the disaffected in this kingdom."*

"With

* About this time a society was instituted in Dublin, entitled the *Whigs of the Capital*. It consisted of a number of opulent citizens, not one of whom, however, was a Catholic. They subscribed

“ With a view of being prepared as much as possible to co-operate with the enemy then expected, and in order to counteract the effect of the armed associations of yeomanry established in October 1796, directions were issued by the leaders to the societies to form themselves into military bodies, and to be provided with arms and ammunition.”

“ These directions were speedily obeyed ; the societies assumed a new military form, and, it appears by the original papers seized at Belfast in the month of April 1797, that their numbers, at that period, in the province of Ulster alone, were stated to amount to nearly 100,000 men. That they were very largely supplied with fire-arms and pikes ; that they had some cannon and ammunition, and were diligently employed in the study of military tactics ; in short, that nothing was neglected by the party which could enable them to take the field on the arrival of the enemy, or whenever they might receive orders to that effect from their superior officers, whom they were bound by oath to obey.”

In the report of the committee of 1797, it appears that no part of the kingdom, in which the Catholic population prevails, was organised, except the counties of Westmeath, and Kildare, and the city of Dublin.

These extracts establish the following facts, 1st. That the persons who were the founders of the rebellion were those who formed the societies of United Irishmen, and who were all Protestants.

subscribed sums of money for the purpose of giving extensive circulation to *Paine's Rights of Man*, and through them this work was reduced in price from 2s. 8½d to 6½d.

2dly. That the object of the rebellion was a republican form of government, and separation from England, and not Catholic emancipation, or the establishment of the Catholic religion.

3dly. That in May 1797, the province of Ulster being inhabited almost entirely by Protestants, no Catholics whatever were concerned, except some of the lowest orders in Dublin, and in the counties of Westmeath and Kildare ; and,

4thly, That 100,000 Protestants were, in May 1797, completely organized for open rebellion, and well supplied with arms.

Now, as we learn from the evidence of Mr. M'Nevin, before the committee of the House of Lords, in 1798, that the leaders of the measure had determined to commence operations in 1797, let us suppose the rebellion had then broke out, and ask this question, Would it have been a Catholic rebellion ? Certainly not. No man could venture to maintain an opinion so utterly untenable. Then, if the rebellion, had it broken out in 1797, would have been a rebellion of Protestants, and not one of Catholics, how could it become a Catholic rebellion in 1798 ? Let us again refer to the report of the secret committee. This gives an accurate account of the progress of the rebellion during the year 1797, and shews by what means, and *by whom*, the deluded Catholic peasantry of the South were made parties to the treason.

“ It appears to your Committee, that the leaders of the treason, apprehensive lest the enemy might be discouraged from any further plan of invasion, by the loyal disposition manifested throughout Munster and Connaught, on their former attempt (by Hoche in December 1796) determined to direct all their exertions to the propagation of the
system

system in those provinces, which had hitherto been but partially infected. With this view emissaries were sent into the South and West in great numbers, of whose success in forming new societies, and administering the oaths of the union, there were, in the course of a few months, but too evident proofs, in the introduction of the same disturbances and enormities into Munster, with which the northern province had been so severely visited."

"In order to engage the peasantry in the southern counties, particularly in the counties of Waterford and Cork, the more eagerly to their cause, the united Irishmen found it expedient, in urging their general principles, to dwell with peculiar energy on the supposed oppressiveness of tythes (which had been the pretext for the old Whiteboy insurrections); and it is observable, that in addition to the acts of violence usually resorted to by the party, for the furtherance of their purposes, the ancient practice of burning the corn and houghing the cattle of those against whom their resentment was directed was revived, and very generally practised in those counties."

"With a view to excite the resentment of the Catholics, and to turn their resentment to the purposes of the party, fabricated and false tests were presented, as having been taken to exterminate Catholics, and were industriously disseminated by the emissaries of the treason throughout the provinces of Leinster, Munster, and Connaught. Reports were frequently circulated amongst the ignorant of the Catholic persuasion, that large bodies of men were coming to put them to death. This fabrication, however extravagant, was one among the many wicked means by which the de-

luded peasantry were engaged the more readily in the treason."

"The measures thus adopted by the party * completely succeeded in detaching the minds of the lower classes from their usual habits and pursuits; insomuch, that, in the course of the autumn and winter 1797, the peasantry in the midland and southern counties were sworn and ripe for insurrection."

From this account of the progress of the treason in 1797, in the south of Ireland, the following inferences may be deduced:—1st. That the Catholics of Ireland were unconnected with the system of rebellion which had extended over the whole of the Protestant province of Ulster; 2dly. That the peasantry of the south were corrupted by emissaries sent amongst them by the leaders of the treason in the north, and not by the Catholic clergy or Catholic aristocracy; and, 3dly. That the organization of the south was not a distinct effort of a distinct body of people, but a measure subsidiary to the original organization of the Protestants of the North, conducted by the same party, and having the same object in contemplation.

Then it follows, that the leaders of the rebellion being the same in 1798 as they were in 1797; the object of it the same in 1798 as it was in 1797; the means for carrying it into effect in 1798 the same as the means for carrying it into effect in 1797, there can be no more grounds for calling it a Catholic rebellion in 1798, than there were for calling it a Catholic rebellion in 1797; and, therefore, as there were no grounds for affixing this cha-

* The Protestant United Irishmen.

racter to it in 1797, neither were there any for calling it a Catholic rebellion in 1798.

In direct contradiction, however, of such a conclusion, and of the statements of the secret committee, it has been asserted by those who are interested in calumniating the Catholic character, and believed by those who are ignorant of its true nature, that the rebellion of Ireland was a Catholic rebellion; that the designs of the Catholic body went to the massacre and destruction of every Protestant in Ireland; and that all their other plans were wholly subservient to that of establishing the Catholic religion.*

As to the conduct of the Catholic clergy of the county of Wexford, it is now well known, "that
" not one of them who had a flock, not one parish
" priest was implicated, or had any concern in fo-

* These are the propositions which Sir Richard Musgrave has laboured to maintain. His work professes to do that which the secret committee of the House of Commons was appointed to do, namely, to give a faithful account of this rebellion. A discerning public will at once see to which authority they ought to give a preference. Sir Richard dedicated his first edition to Lord Cornwallis. Upon reading it, however, Lord Cornwallis directed his Secretary to write the following letter to him:

SIR,

Dublin, March 24, 1801.

I am directed by the Lord Lieutenant to express to you his concern at its appearing, that your late publication of the History of the Rebellions of Ireland has been dedicated to him by permission. Had his Excellency been apprized of the contents and nature of the work, he would never have lent the sanction of his name to a book, which tends so strongly to revive the dreadful animosities which have so long distracted this country, and which it is the duty of every good subject to endeavour to compose. His Excellency, therefore, desires me to request, that, in any future edition of the book, the permission to dedicate it to him may be omitted.

I have, &c.

F. LITTLEHALES.

“menting, encouraging, or aiding the rebellion;
 “nay, it is certain, that they abhorred, and de-
 “tested, and shuddered at it as the most wicked,
 “scandalous, and abominable event that they had
 “ever witnessed.”*

The supposition that the establishment of the Catholic religion was one of the objects of this rebellion is proved to be unfounded, by the evidence of the principal leaders, Emmett and M'Nevin.

The following are their answers, given before the committees, to the question, “Whether or not they
 “would set up the Catholic religion?”

M'Nevin.—“I would no more consent to that,
 “than to the establishment of Mahometanism.”

Emmett—“I do not think the Catholics would
 “wish to set up a Catholic establishment, even at
 “the present day. Perhaps some old priests, who
 “have long groaned under the penal laws, might
 “wish for a retribution to themselves, but I do not
 “think the young priests wish for it; and I am
 “convinced the laity would not submit to it; and
 “that the objections to it will be every day gaining
 “strength.”

Two circumstances more only remain to be taken notice of regarding the conduct of the Catholics as a body in this rebellion. One of them, the indisputable fact, that, of the twenty-four leaders of the rebellion who were banished to fort St. George, only four of them were Catholics, twelve were of the Church of England, and the remaining eight were Dissenters. Well indeed, then, might Mr. Pitt say, in the House of Commons, in 1805,

* See Dr. Caulfield's Reply to Sir R. Musgrave, sold by Keating and Co. Duke-street.

whose

whose opinion is the other circumstance alluded to, "I do not consider the late rebellion in Ireland to have been a Catholic rebellion." *

Facts, reason, and authority, therefore, it appears, all coincide in the condemnation of the calumny, which a few blind and mistaken men have had just talent enough to propagate amongst the ignorant and prejudiced. The *magna vis veritatis* will, however, prevail on this, as well as upon all other occasions, and sooner or later bring forward the unfortunate and much injured Catholics of Ireland to the view of their English fellow-subjects, as highly deserving of their confidence and their affection.

The next great event belonging to the Catholic question is the measure of union, not as having, in any way, altered the political condition of the Catholics in respect to the penal laws, but as a measure concerning which a compact was virtually entered into between them and the English government. For though it is true, that no regular articles, like those of Limerick, can be produced to prove this compact, still there is circumstantial evidence of such a nature as is sufficient to bring conviction to every candid mind, that, on the one hand, the Catholics did agree to support the union, and, on the other, that the English government, on their part, did indirectly agree to secure to them, in consideration of that support, the measure of emancipation.

This evidence is to be collected, 1st. From the speech of Mr. Pitt, on proposing the union articles to the House of Commons; 2dly. From the act of union; 3dly, From Mr. Pitt's speech, and the

* Debates on the Catholic petition, (sold by Cuthell and Martin), p. 126.
letters

letters of Lord Cornwallis and him concerning the change of administration in 1801.

1st. Mr. Pitt's speech---“ I am well aware,”
 “ says Mr. Pitt, “ that the subject of religious dis-
 “ tinction is a dangerous and delicate topic, espe-
 “ cially when applied to a country such as Ireland ;
 “ the situation of which, in this respect, is differ-
 “ ent from every other. Where the established reli-
 “ gion of the state is the same as the general religion
 “ of the empire, and where the property of the coun-
 “ try is in the hands of a comparatively small num-
 “ ber of persons professing that religion, while the
 “ religion of a great majority of the people is differ-
 “ ent, it is not easy to say, on general principles,
 “ what system of church establishment, in such a
 “ country, would be free from difficulty and in-
 “ convenience. By many I know it will be con-
 “ tended, that the religion professed by the majo-
 “ rity of the people would, at least, be entitled to
 “ an equality of privileges. I have heard such an
 “ argument urged in this House ; but those who
 “ apply it without qualification to the case of Ire-
 “ land, forget, surely, the principles on which En-
 “ glish interest and English connection has been
 “ established in that country, and its present
 “ legislature is formed. No man can say, that,
 “ in the present state of things, and *while Ireland*
 “ *remains a separate kingdom, full concessions*
 “ *could be made to the Catholics without endanger-*
 “ *ing the state, and shaking the constitution to its*
 “ *centre.*”

Is not this as much as to say, that, after an incorporate union shall have taken place, these FULL CONCESSIONS *could be made* without endangering Ireland ? Could these words be understood in any other way by the Catholics ? and are they

they not an indirect offer, on the part of Mr. Pitt, to the Catholics to make these FULL CONCESSIONS, provided they would enable him to make them without endangering Ireland? But the language which he next employs is stronger and still more in point. He immediately proceeds, “On the other hand, without anticipating the discussion, or the propriety of agitating the question, or saying how soon or how late it may be fit to discuss it, two propositions are indisputable — 1st. When the conduct of the Catholics shall be such as to make it safe for the government to admit them to the participation of the privileges granted to those of the established religion, and when the temper of the times shall be favourable to such a measure; when those events take place, it is obvious that such a question may be agitated in an United Imperial Parliament, with much greater safety than it could be in a separate legislature. In the second place, I think it certain, that even for whatever period it may be thought necessary, after the union, to withhold from the Catholics the enjoyment of those advantages, many of the objections which at present arise out of their situation would be removed, if the Protestant legislature were no longer separate and local, but general and impartial.”

The speech, from which the foregoing is extracted, was circulated gratis by government, throughout all Ireland. It was considered by the Catholics as a tender of emancipation; it was anxiously read by all who could read; at the Castle it was explained, to those who sought for explanation, as an unequivocal offer of every concession; and, in the result, the Catholics opposed their own Parliament, and gave their support to Mr. Pitt; and, by the

the aid of this support, he was enabled to contend with a majority in the House of Commons, and to carry the measure.

We come now to the evidence to be collected from the Act of Union.

Many of the leading Catholics have not hesitated to declare, that the oath prescribed by this act, to qualify members of Parliament to take their seats, was framed under an arrangement, that, immediately after the measure was passed, they were to enjoy the privilege of sitting in Parliament. The act runs thus, "That every one of the Lords and Commons of Parliament of the United Kingdom, and every member of the house of Commons of the United Kingdom, in the first and every succeeding Parliament shall, *until the Parliament of the United Kingdom shall otherwise provide*, take the oaths as now enjoined to be taken." "Do not quibble with us," the Catholics say, "concerning terms and formalities, it was clearly understood between us, that if we co-operated to bring about the union, as we actually did, you would effect the emancipation. To give a colouring to this engagement, you inserted in the articles of union an intimation of a proposed change of the oaths in our favour: when, behold! now you roundly tell us that this alteration never shall take place, and that we must make up our minds to wear our shackles till the end of time."*

The third head of evidence is Mr. Pitt's speech on explaining the cause of his resignation in 1801. "As to the merits," Mr. Pitt said, "of the question which led to my resignation, I am willing to submit them to the house. I and some of my

* Dr. Milner's Inquiry, p. 68.

"colleagues

“colleagues in office, did feel it an incumbent duty
 “upon us to propose a measure on the part of
 “government, which, *under the circumstances*
 “*of the union* so happily effected between the two
 “countries, we thought of great public import-
 “ance, and necessary to *complete* the benefits likely
 “to result from that measure ; we felt this opinion
 “so strongly, that, when we met with circum-
 “stances which rendered it impossible for us to
 “propose it as a measure of government, we felt it
 “equally inconsistent with our duty and our honour
 “any longer to remain a part of that government.
 “What may be the opinion of others, I know not,
 “but I beg to have it understood to be a measure,
 “which, if I had remained in government, I *must*
 “have proposed.*”

Why must Mr. Pitt have proposed this measure ?
 To this question one answer alone can be given,
 because his honour, as a statesman, was substanti-
 ally engaged to the Catholics, that, if they sup-
 ported the union, he would propose emancipation.

We now come to the written communications
 which, at this time, were made to the Catholics by
 Mr. Pitt and Lord Cornwallis, and which were
 given by Lord Castlereagh to Dr. Troy.

Mr. Pitt to Lord Cornwallis.

“The leading part of his Majesty’s Ministers finding in-
 “surmountable obstacles to the bringing forward measures
 “of concession to the Catholic body, whilst in office, have
 “felt it impossible to continue in administration under the
 “inability to propose it with the circumstances necessary
 “to carrying the measure with all its advantages, and they
 “have retired from his Majesty’s service, considering this
 “line of conduct as most likely to contribute to its ultimate
 “success. The Catholic body will, therefore, see how
 “much their future hopes must depend upon strengthening

* Debret’s Debates. 14, 161.

“ their

“ their cause by good conduct in the mean time ; they will
 “ prudently consider their prospects as arising from the
 “ persons who now espouse their interests, and compare
 “ them with those, which they could look to from any
 “ other quarter ; they may with confidence rely on the
 “ zealous support of all those who retire, and of many
 “ who remain in office, when it can be given with a pros-
 “ pect of success. They may be assured that Mr. Pitt will
 “ do his utmost to establish their cause in the public favour,
 “ and prepare the way for their finally attaining their
 “ objects : and the Catholics will feel, that as Mr. Pitt could
 “ not concur in an hopeless attempt to force it now, that
 “ he must at all times repress, with the same decision as if
 “ he held an adverse opinion, any unconstitutional conduct
 “ in the Catholic body.

“ Under these circumstances, it cannot be doubted that
 “ the Catholics will take the most loyal, dutiful, and pa-
 “ tient line of conduct, that they will not suffer themselves
 “ to be led into measures which can, by any construction,
 “ give a handle to the opposers of their wishes, either to
 “ misinterpret their principles, or to raise an argument for
 “ resisting their claims ; but that by their prudent and
 “ exemplary demeanour they will afford additional grounds
 “ to the growing number of their advocates to enforce
 “ their claims on proper occasions, until their objects can
 “ be finally and advantageously attained.”

“ *The Sentiments of a sincere Friend (i. e. Marquis
 “ Cornwallis) to the Catholic Claims.*”

“ If the Catholics should now proceed to violence, or
 “ entertain any ideas of gaining their object by convulsive
 “ measures, or forming associations with men of jacobinical
 “ principles, they must of course lose the support and aid
 “ of those, who have sacrificed their own situations in their
 “ cause, but who would at the same time feel it to be their
 “ indispensable duty to oppose every thing tending to
 “ confusion.

“ On the other hand, should the Catholics be sensible of
 “ the benefit they possess by having so many characters of
 “ eminence pledged not to embark in the service of
 “ government, except on the terms of the Catholic privi-
 “ leges being obtained, it is to be hoped, that, on balancing
 the

“ the advantages and disadvantages of their situation, they
 “ would prefer a quiet and peaceable demeanour to any
 “ line of conduct of an opposite description.”

The originals of these two declarations were handed to Dr. Troy and afterwards to Lord Fin-
 gal by Marquis Cornwallis. His excellency desired they should be discreetly communicated to the
 Bishops and principal Catholics, but not inserted
 in the newspapers. They appeared, nevertheless,
 in the English prints soon afterwards, and were
 copied into the Irish papers.

Under circumstances such as these, is it surpris-
 ing that the Catholics should now feel that faith
 has been broken with them by the government of
 England? Mr. Pitt, so long ago as in Lord
 Westmorland's administration, had made no hesi-
 tation to say, in such a manner that his sentiments
 might be known to the Catholics, that he would
 not risk a rebellion by withholding emancipation.
 In 1795, he sent Lord Fitzwilliam to Ireland, to
 carry this measure into effect; and, in 1799, he
 held forth, in language not to be misunderstood, this
 measure, as the reward which he would give the
 Catholics for their support to the union. At this
 time he had governed England for fourteen years,
 he was supported by great majorities in Parliament,
 and he possessed the unbounded confidence of the
 King, and of the people. What other construction,
 then, could his language on the union bear among
 the Catholics, than that of a positive engagement
 on the part of England to give them emancipation,
 provided they gave the union, in the first instance,
 their support? No one can say that they formed
 their expectations that this measure would be con-
 ceded

ceded to them without good grounds for doing so ; and there being good grounds, no correct moralist can maintain that England made no such engagement.

Having now traced the history of the penal laws and the Catholics, from the treaty of Limerick down to the union, it remains only to make a conclusion of this work, by collecting the several inferences which may be drawn from the facts contained in it.

In the first place, the Catholics have to complain of three distinct breaches of faith by the government of England—1st. In the violation of the treaty of Limerick ; 2d. In the recall of Lord Fitzwilliam ; and, 3d. In the treatment which they have received since the union.

Secondly, They have to complain of having endured a greater share of insult and of oppression than it ever was the lot of any other people in any other country to be exposed to.

Thirdly, They have it in their power to repel all those charges which have been made against them for being disloyal to the House of Brunswick, 1st By their conduct in 1715 ; 2dly, By their conduct in 1745 ; 3dly, By their conduct during the American war ; and, lastly, By their conduct in 1798.

Fourthly, They have it in their power to shew, that their clergy have, at all times, inculcated sound doctrines of morality, of peace and submission to the government, and of brotherly affection for their Protestant fellow-countrymen.

Fifthly, They can prove that their religious principles have been wholly misunderstood ; and
that

that these principles are not, in any degree, repugnant to their duty as loyal subjects. *

Sixthly, This very important inference may be drawn from what has already been stated, namely, that 'for a long period of time, there has prevailed amongst the Protestants of Ireland a very general inclination to concede to the Catholics a participation with them in constitutional privileges.†

And, lastly, when we consider the effects, direct and collateral, of such a penal code as has existed in Ireland, it is not too much to say, that it may be laid down as incontrovertibly proved, that to the penal code it is, England has to look as the source of all alarm she now entertains for the safety of Ireland; and to England Ireland has to look for the cause of all the misery and degradation which, at this day even, peculiarly mark her character among the nations of the world.

* Vide Appendix. No. 3 and No. 4, and Note B.

† Vide Note C.

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APPENDIX.

A P P E N D I X.

No. I.

The several Arguments of Sir Theobald Butler, Counsellor Malone, and Sir Stephen Rice, at the Bar of the House of Commons of Ireland, February 22d; and at the Bar of the House of Lords, February 28, 1703, against passing the Bill intituled, An Act to prevent the further Growth of Popery.

THE papists of Ireland observing that the house of commons were preparing the heads of a bill to be transmitted to England, to be drawn up into an act, *to prevent the further growth of popery*, and having in vain endeavoured to put a stop to it there; at its remittance back again to Ireland, presented to the house of commons a petition in the names of Nicholas Lord Viscount Kingsland, Colonel J Brown, Colonel Burk, Colonel Robert Nugent, Major Pat. Allen, Captain Arthur French, and other Roman Catholics of Ireland, praying to be heard by their counsel against the passing the said bill, then under consideration of the said house; and to have a copy of the bill, and a reasonable time to speak to it before it passed. Which petition being referred to the committee of the whole house, to whom the consideration of the said bill was referred, it was ordered, that the petitioners should have a copy of the said bill, and be heard by their counsel, before the said committee.

And in pursuance of that order, Sir Theobald Butler, Counsellor Malone, and Sir Stephen Rice, (the two first in their gowns as counsel for the petitioners in general, and the last without a gown, only as a petitioner in his private capacity) together with many others, upon Tuesday the 22d of February, 1703, appeared at the bar of the said house of commons, where Sir Theobald Butler first moved and acquainted the house, that, “by the permission of that house, he was come thither in behalf of himself, and the rest of the Roman Catholics of Ireland comprised in the *Articles of Limerick and Galway*, to offer some reasons, which he and the rest of the petitioners, judged very material against passing the bill, intituled, *An act to prevent the further growth of popery*; that by leave of the house, he had taken a copy of the said bill (which he had there in his hand), and with submission, looked upon it to tend to the destroying of the said articles, granted upon the most valuable considerations of surrendering the said garrisons, at a time when they had the sword in their hands; and for any thing that appeared to the contrary, might have been in a condition to hold out much longer, and when it was in their power to demand, and make for themselves such terms, as might be for their then future liberty, safety and security: and that too, when the allowing such terms, were highly advantageous to the government, to which they submitted; as well for uniting the people, that were then divided, quieting and settling the distractions and disorders of this then miserable kingdom, as for the other advantages the government would thereby reap in its own affairs, both at home and abroad; when its enemies were so powerful both by sea and land, as to give doubt of interruption, to its peace and settlement.

“ That by such their power, those of Limerick did for themselves, and others therein comprised, obtain, and make such articles, as by which, all the Irish inhabitants in the city and county of Limerick, and in the counties of Clare, Kerry, Cork, Sligo and Mayo, had full and free pardon of and for all attainders, outlawries, treasons, misprision of treasons, felonies, trespasses and other crimes whatever, which at any time from the beginning of K. James the Second, to the 3d of October, 1691, had been acted, committed, or done by them, or any of them; and by which they and their heirs were to be forthwith put in possession of, and for ever possess, and enjoy all and every of their freeholds and inheritance; and all their rights, titles, and interests, privileges and immunities, which they and every of them held and enjoyed, and by the laws in force were entituled unto, in the reign of king Charles II. or at any time since, by the laws and statutes that were in force in that reign, &c. And thereupon read so much of the second article of Limerick, as tended to that purpose.

“ That in the reign of king Charles the Secoud, the petitioners, and all that were intituled to the benefit of those articles, were in such full and free possession of their estates; and had the same power to sell, or otherwise to dispose, or convey them, or any other thing they enjoyed; and were as rightfully intituled to all the privileges, immunities and other advantages whatever, according to the laws then in force, as any other subjects whatsoever, and which, therefore, without the highest injustice, could not be taken from them, unless they had forfeited them themselves.

“ That if they had made any such forfeiture, it was either before or after the making of the said articles: if before, they had a full and free pardon for that by the said articles, &c. and therefore are not accountable by any law now in force for the same; and for that reason not now to be charged with it, and since they cannot be charged with any general forfeiture of those articles since, they at the same time remained as absolutely intituled to all the privileges, advantages and benefits of the laws both already made, and hereafter to be made, as any other of her majesty's subjects whatsoever.

“ That among all societies there were some ill people, but that by the 10th article of Limerick the whole community is not to be charged with, nor forfeit by, the crimes of particular persons.

“ That there were already wholesome laws in force sufficient, and if not, such as were wanting might be made, to punish every offender according to the nature of the crime: and in the name of God let the guilty suffer for their own faults; but the innocent ought not to suffer for the guilty, nor the whole for any particular. That surely they would not now (they had tamely got the sword out of their hands) rob them of what was in their power to have kept; for that would be unjust, and not according to that golden rule, to do as they would be done by, was the case reversed, and the contrary side their own.

“ That the said articles were first granted them by the general of the English army, upon the most important consideration of getting the city of Limerick into his hands (when it was in a condition to have held out, till it might have been relieved by the succours then coming to it from France) and for preventing the further effusion of blood, and the other ill consequences which (by reason of the then divisions and disorders) the nation then laboured under; and for reducing those in arms against the English government to its obedience.

“ That the said articles were signed and perfected by the said general,

and the then lords justices of this kingdom : and afterwards ratified by their late majesties, for themselves, their heirs and successors ; and have been since confirmed by an act of parliament in this kingdom, viz. stat. 9. Guil. 3. ses. 4. chap. 27. (which he there produced and pleaded), and said could not be avoided without breaking the said articles, and the public faith thereby plighted to all those comprised under the said articles, in the most solemn and engaging manner, 'tis possible for any people to lay themselves under ; and than which nothing could be more sacred and binding. That therefore to violate, or break those articles, would on the contrary be the greatest injustice possible for any one people of the whole world to inflict upon another, and which is contrary to both the laws of God and man.

“ That pursuant to these articles, all those Irish then in arms against the government, did submit thereunto, and surrendered the said city of Limerick, and all other garrisons then remaining in their possession ; and did take such oaths of fidelity to the king and queen, &c. as by the said articles they were obliged to, and were put into possession of their estates, &c.

“ That such their submission was upon such terms, as ought now, and at all times to be made good to them : but that if the bill then before the house, intituled, An act to prevent the further growth of popery, should pass into a law (which, said he, God forbid !) it would be not only a violation of those articles, but also a manifest breach of the public faith, of which the English had always been most tender in many instances, some of which he there quoted ; and that, in particular, in the preamble of the act before mentioned, made for confirmation of these articles, wherein there is a particular regard, and respect had to the public faith.

“ That since the said articles were thus under the most solemn ties, and for such valuable considerations granted the petitioners, by nothing less than the general of the army, the lords justices of the kingdom, the king, queen, and parliament, the public faith of the nation was therein concerned, obliged, bound, and engaged, as fully and firmly, as was possible for one people to pledge faith to another ; that therefore this parliament could not pass such a bill, as that intituled, An act to prevent the further growth of popery, then before the house, into a law, without infringing those articles, and a manifest breach of the public faith ; of which he hoped that house, would be no less regardful, and tender, than their predecessors, who made the act for confirming those articles had been.

“ That the case of the Gibeonites, 2 Sam. xxi. 1. was a fearful example of breaking of public faith, which above 100 years after brought nothing less, than a three years famine upon the land, and stayed not till the lives of all Saul's family atoned for it.

“ That even among the heathens, and most barbarous of nations, all the world over, the public faith had always been held most sacred and binding, that surely it would find no less a regard in that august assembly.

“ That if he proved that the passing that act, was such a manifest breach of those articles, and consequently of the public faith, he hoped that honourable house would be very tender how they passed the said bill before them into a law ; to the apparent prejudice of the petitioners, and the hazard of bringing upon themselves and posterity, such evils, reproach and infamy, as the doing the like had brought upon other nations and people.

“ Now, that the passing such a bill as that then before the house to prevent *the further growth of popery*, will be a breach of those articles, and consequently of the public faith, I prove (said he) by the following argument.

“ The argument then is (said he) whatever shall be enacted to the prejudice or destroying of any obligation, covenant or contract, in the most solemn manner, and for the most valuable consideration entered into, is a manifest violation and destruction of every such obligation, covenant and contract : but the passing that bill into a law, will evidently and absolutely destroy the articles of Limerick and Galway, to all intents and purposes, and therefore the passing that bill into a law, will be such a breach of those articles ; and consequently of the public faith, plighted for performing those articles ; which remained to be proved.

“ The major is proved (said he) for that whatever destroys or violates any contract or obligation, upon the most valuable considerations, most solemnly made and entered into, destroys and violates the end of every such contract or obligation ; but the end and design of those articles was, that all those therein comprised, and every of their heirs, should hold, possess, and enjoy all and every of their estates of freehold and inheritance, and all the rights, titles, and interests, privileges and immunities, which they and every of them held, enjoyed, or were rightfully entitled to, in the reign of king Charles the Second ; or at any time since, by the laws and statutes that were in force in the said reign in this realm : but that the design of this bill, was to take away every such right, title, interest, &c. from every father being a papist, and to make the popish father, who, by the articles and laws aforesaid, had an undoubted right, either to sell or otherwise at pleasure to dispose of his estate, at any time of his life, as he thought fit ; only tenant for life : and consequently disabled from selling, or otherwise disposing thereof, after his son or other heir should become protestant ; though otherwise never so disobedient, profligate, or extravagant : Ergo, this act tends to the destroying the end for which those articles were made, and consequently the breaking of the public faith, plighted for their performance.

“ The minor is proved by the 3d, 4th, 5th, 6th, 7th, 8th 9th, 15th, 16th, and 17th clauses of the said bill, all which (said he) I shall consider and speak to, in the order as they are placed in the bill.

“ By the first of these clauses (which is the third of the bill), I that am the popish father, without committing any crime against the state, or the laws of the land, (by which only I ought to be governed) or any other fault ; but merely for being of the religion of my forefathers, and that which, till of late years, was the ancient religion of these kingdoms, contrary to the express words of the second article of Limerick, and the public faith, plighted as aforesaid for their performance ; am deprived of my inheritance, freehold, &c. and of all other advantages which by those articles, and the laws of the land, I am entitled to enjoy, equally with every other of my fellow subjects, whether protestant or popish. And though such my estate be even the purchase of my own hard labour and industry : yet I shall not (though my occasions be never so pressing), have liberty (after my eldest son or other heir becomes a protestant) to sell, mortgage, or otherwise dispose of, or charge it for payment of my debts ; or have leave out of my own estate, to order portions for my other children ; or leave a legacy, though never so small, to my poor father or mother, or other poor relations ; but during my own life, my estate shall be given to my son or other heir, being a protestant, though never so undutiful, profligate, extravagant, or otherwise undeserving ; and I

that am the purchasing father, shall become tenant for life only, to my own purchase, inheritance and freehold; which I purchased with my own money: and such my son or other heir, by this act, shall be at liberty to sell, or otherwise at pleasure to dispose of my estate, the sweat of my brows, before my face; and I that am the purchaser, shall not have liberty to raise one farthing upon the estate of my own purchase, either to pay my debts, or portion my daughters, (if any I have) or make provisions for my other male children, though never so deserving and dutiful: but my estate, and the issues and profits of it, shall, before my face, be at the disposal of another, who cannot possibly know, how to distinguish between the dutiful and undutiful, deserving or undeserving. Is not this, gentlemen, (said he) a hard case? I beseech you, gentlemen, to consider, whether you would not think it so, if the scale was changed, and the case your own, as it is like to be our's, if this bill pass into a law.

"It is natural for the father to love the child, but we all know (says he), that children are but too apt and subject, without any such liberty as this bill gives, to slight and neglect their duty to their parents; and surely such an act as this, will not be an instrument of restraint, but rather encourage them more to it.

"It is but too common with the son, who has a prospect of an estate, when once he arrives at the age of one and twenty, to think the old father too long in the way, between him and it; and how much more will he be subject to it, when by this act, he shall have liberty before he comes to that age, to compel and force my estate from me, without asking my leave, or being liable to account with me for it, or out of his share thereof, to a moiety of the debts, portions, or other incumbrances, with which the estate might have been charged, before the passing this act.

"Is not this against the laws of God and man? against the rules of reason and justice; by which all men ought to be governed? Is not this the only way in the world, to make children become undutiful? and to bring the grey-head of the parent to the grave, with grief and tears.

"It would be hard from any man, but from a son, a child, the fruit of my body, whom I have nursed in my bosom, and tendered more dearly than my own life, to become my plunderer, to rob me of my estate, to cut my throat, and to take away my bread; is much more grievous than from any other; and enough to make the most flinty of hearts to bleed, to think on't. And yet this will be the case if this bill pass into a law; which I hope this honourable assembly will not think of, when they shall more seriously consider, and have weighed these matters.

"For God's sake, gentlemen, will you consider whether this is according to the golden rule, to do as you would be done unto? And if not, surely you will not, nay you cannot, without being liable to be charged with the most manifest injustice imaginable, take from us our birth-rights, and invest them in others before our faces.

"By the 4th clause of the bill, the popish father is under the penalty of 500*l.* debarred from being guardian to, or having the tuition or custody of his own child or children; but if the child pretends to be a protestant, though never so young, or incapable of judging of the principles of any religion, it shall be taken from its own father, and put into the hands or care of a protestant relation, if any there be qualified as this act directs, for tuition, though never so great an enemy to the popish

parent; and for want of relations so qualified, into the hands and tuition of such protestant stranger, as the court of chancery shall think fit to appoint; who perhaps may likewise be my enemy, and out of prejudice to me who am the popish father, shall infuse into my child, not only such principles of religion, as are wholly inconsistent with my liking; but also against the duty which by the laws both of God and nature, is due from every child to its parents: And it shall not be in my power to remedy, or question him for it; and yet I shall be obliged to pay for such education, how pernicious soever. Nay, if a legacy or estate fall to any of my children, being minors, I that am the popish father, shall not have the liberty to take care of it, but it shall be put into the hands of a stranger; and though I see it confounded before my face, it shall not be in my power to help it. Is not this a hard case, gentlemen? I am sure you cannot but allow it to be a very hard case.

“The 5th clause, provides that no protestant or protestants, having any estate real or personal, within this kingdom, shall at any time after the 24th of March 1703, inter-marry with any papist, either in or out of this kingdom, under the penalties in an act made in the 9th of king William, intituled, an act to prevent protestants inter-marrying with papists; which penalties, see in the 5th clause of the act itself.

“Surely, gentlemen, this is such a law as was never heard of before, and against the law of right, and the law of nations; and therefore a law which is not in the power of mankind to make, without breaking through the laws which our wise ancestors prudently provided for the security of posterity, and which you cannot infringe, without hazarding the undermining the whole legislature, and incroaching upon the privileges of your neighbouring nations, which it is not reasonable to believe they will allow.

“It has indeed been known, that there hath been laws made in England, that have been binding in Ireland: but surely it never was known, that any law made in Ireland, could affect England or any other country. But by this act, a person committing matrimony (an ordinance of the Almighty) in England, or any other part beyond the seas (where it is lawful both by the laws of God and man, so to do) if ever they come to live in Ireland, and have an inheritance or title to any interest to the value of 500*l*. they shall be punished for a fact consonant with the laws of the land where it was committed. But, gentlemen, by your favour, this is what, with submission, is not in your power to do: For no law that either now is, or that hereafter shall be in force in this kingdom, shall be able to take cognizance of any fact committed in another nation: nor can any one nation make laws for any other nation, but what is subordinate to it, as Ireland is to England; but no other nation is subordinate to Ireland; and therefore any laws made in Ireland, cannot punish me for any fact committed in any other nation, but more especially England, to whom Ireland is subordinate: And the reason is, every free nation, such as all our neighbouring nations are, by the great law of nature, and the universal privileges of all nations, have an undoubted right to make, and be ruled and governed by laws of their own making: For that to submit to any other, would be to give away their own birth-right, and native freedom; and become subordinate to their neighbours, as we of this kingdom, since the making of Poyning's act, have been, and are to England. A right which England would never so much as endure to hear of, much less to submit to.

“We see how careful our fore-fathers have been to provide that no man should be punished in one county (even of the same nation) for

crimes committed in another county : and surely it would be highly unreasonable, and contrary to the laws of all nations in the whole world, to punish me in this kingdom, for a fact committed in England, or any other nation, which was not against, but consistent with the laws of the nation where it was committed. I am sure there is not any law in any other nation of the world that would do it.

“ The 6th clause of this bill, is likewise a manifest breach of the second of Limerick articles, for by that article, all persons comprised under those articles, were to enjoy, and have the full benefit of all the rights, titles, privileges and immunities whatsoever, which they enjoyed, or by the laws of the land then in force, were entituled to enjoy, in the reign of king Charles II. And by the laws then in force, all the papists of Ireland had the same liberty, that any of their fellow-subjects had, to purchase any manors, lands, tenements, hereditaments, leases of lives, or for years, rents, or any other thing of profit whatsoever : But by this clause of this bill, every papist or person professing the popish religion, after the 24th of March 1703, is made incapable of purchasing any manors, lands, tenements, hereditaments, or any rents, or profits out of the same ; or holding any lease of lives, or any other lease whatsoever, for any term exceeding thirty-one years ; wherein a rent, not less than two-thirds of the improved yearly value, shall be reserved, and made payable, during the whole term : and therefore this clause of this bill, if made into a law, will be a manifest breach of those articles.

“ The 7th clause is yet of much more general consequence, and not only a like breach of those articles, but also a manifest robbing of all the Roman catholics of the kingdom of their birth-right : For by those articles, all those therein comprised, were, (said he) pardoned all misdemeanors whatsoever, of which they had in any manner of way been guilty ; and restored to all the rights, liberties, privileges and immunities whatever, which, by the laws of the land, and customs, constitutions and native birth-right, they, any, and every of them, were, equally with every other of their fellow-subjects, intituled unto. And by the laws of nature and nations, as well as by the laws of the land, every native of any country, has an undoubted right and just title to all the privileges and advantages, which such their native country affords : And surely no man but will allow, that by such a native right, every one born in any country, hath an undoubted right to the inheritance of his father, or any other, to whom he, or they may be heir at law : But if this bill pass into a law, every native of this kingdom, that is, and shall remain a papist, is, *ipso facto*, during life, or his or their continuing a papist, deprived of such inheritance, devise, gift, remainder, or trust, of any lands, tenements, or hereditaments, of which any protestant now is, or hereafter shall be seized in fee-simple absolute, or fee-tail, which by the death of such protestant, or his wife, ought to descend immediately to his son or sons, or other issue in tail, being such papists, and 18 years of age ; or, if under that age, within six months after coming to that age, shall not conform to the church of Ireland, as by law established ; and every such devise, gift, remainder, or trust, which, according to the laws of the land, and such native right, ought to descend to such papist, shall, during the life of such papist (unless he forsake his religion), descend to the nearest relation that is a protestant, and his heirs, being and continuing protestants, as though the said popish heir and all other popish relations were dead ; without being accountable for the same : Which is nothing less than robbing such popish heir of such his birth-right ; for no other reason, but his being and continuing of that religion, which by the first of

Limerick articles, the Roman catholics of this kingdom were to enjoy, as they did in the reign of King Charles II and then there was no law in force, that deprived any Roman catholic of this kingdom of any such their native birth right, or any other thing, which, by the laws of the land then in force, any other fellow-subjects were intitled unto

“ The 8th clause of this bill, is to erect in this kingdom a law of *gavel-kind*, a law in itself so monstrous and strange, that I dare say, this is the first time it was ever heard of in the world; a law so pernicious and destructive to the well-being of families and societies, that in an age or two, there will hardly be any remembrance of any of the ancient Roman catholic families known in the kingdom: a law which, therefore, I may again venture to say, was never before known or heard of in the universe!

“ There is, indeed, in Kent, a custom, called the Custom of Gavel-kind; but I never heard of any law for it till now; and that custom is far different from what by this bill is intended to be made a law; for there, and by that custom, the father, or other person, dying possessed of any estate of his own acquisition, or not entailed, (let him be of what persuasion he will) may by will bequeath it at pleasure: Or if he dies without will, the estate shall not be divided, if there be any male heir to inherit it; but for want of male heir, then it shall descend in Gavel-kind among the daughters, and not otherwise. But by this act, for want of a protestant heir, enrolled as such within three months after the death of such papist, to be divided, share and share alike, among all his sons; for want of sons, among his daughters; for want of such, among the collateral kindred of his father; and in want of such, among those of his mother; and this is to take place of any grant, settlement, &c. other than sale, for valuable consideration of money, really, *bona fide*, paid. And shall I not call this a strange law? Surely it is a strange law, which, contrary to the laws of all nations, thus confounds all settlements, how ancient soever, or otherwise warrantable by all the laws heretofore in force, in this, or any other kingdom!

“ The 9th clause of this act, is another manifest breach of the articles of Limerick; for by the 9th of those articles, no oath is to be administered to, nor imposed upon such Roman catholics, as should submit to the government, but the oath of allegiance, appointed by an act of parliament made in England, in the first year of the reign of their late majesties KING WILLIAM, and QUEEN MARY, (which is the same with the first of those appointed by the 10th clause of this act:) But by this clause, none shall have the benefit of this act, that shall not conform to the church of Ireland, subscribe the declaration, and take and subscribe the oath of abjuration, appointed by the 9th clause of this act; and therefore this act is a manifest breach of those articles, &c. and a force upon all the Roman catholics therein comprised, either to abjure their religion, or part with their birth-rights; which, by those articles, they were, and are, as fully, and as rightfully intitled unto, as any other subjects whatever.

“ The 10th, 11th, 12th, 13th, and 14th clauses of this bill, (said he) relate to offices and employments, which the papists of Ireland cannot hope for the enjoyment of, otherwise than by grace and favour extraordinary; and therefore, do not so much affect them, as it does the protestant dissenters, who (if this bill pass into a law) are equally with the papists deprived of bearing any office, civil or military, under the government, to which by right of birth, and the laws of the land, they are as indisputably intitled, as any other their protestant brethren; And if

what the Irish did in the late disorders of this kingdom, made them rebels, (which the presence of a king, they had before been obliged to own, and swear obedience to, gave them a reasonable colour of concluding it did not,) yet surely the dissenters did not do any thing to make them so; or to deserve worse at the hands of the government, than other protestants; but, on the contrary, it is more than probable, that if they, (I mean the dissenters) had not put a stop to the career of the Irish army at Enniskillen and Londonderry; the settlement of the government, both in England and Scotland, might not have proved so easy, as it thereby did; for if that army had got to Scotland, (as there was nothing at that time to have hindered them, but the bravery of those people, who were mostly dissenters, and chargeable with no other crimes since; unless their close adhering to, and early appearing for the then government, and the many faithful services they did their country, were crimes) I say (said he) if they had got to Scotland, when they had boats, barks, and all things else ready for their transportation, and a great many friends there in arms, waiting only their coming to join them; it is easy to think, what the consequence would have been to both these kingdoms; and these dissenters then were thought fit for command, both civil and military, and were no less instrumental in contributing to the reducing the kingdom, than any other protestants: And to pass a bill now, to deprive them of their birth-rights, (for those their good services,) would surely be a most unkind return, and the worst reward ever granted to a people, so deserving. Whatever the papists may be supposed to have deserved, the dissenters certainly stand as clean in the face of the present government, as any other people whatsoever: And if this is all the return they are like to get, it will be but a slender encouragement, if ever occasion should require, for others to pursue their examples.

“ By the 15th, 16th, and 17th clauses of this bill, all papists, after the 24th of March 1703, are prohibited from purchasing any houses or tenements, or coming to dwell in any in Limerick or Galway, or the suburbs of either, and even such as were under the articles, and by virtue thereof have ever since lived there, from staying there; without giving such security as neither those articles, nor any law heretofore in force, do require; except seamen, fishermen, and day-labourers, who pay not above forty shillings a year rent; and from voting for the election of members of parliament, unless they take the oath of abjuration; which, to oblige them to, is contrary to the 9th of Limerick articles; which, as aforesaid, says the oath of allegiance, and no other, shall be imposed upon them; and, unless they abjure their religion, takes away their ad-vowsons and right of presentation, contrary to the privilege of right, the laws of nations, and the great charter of Magna Charta; which provides, that no man shall be disseized of his birth-right, without committing some crime against the known laws of the land in which he is born, or inhabits. And if there was no law in force, in the reign of king Charles the Second, against these things (as there certainly was not), and if the Roman catholics of this kingdom have not since forfeited their right to the laws that then were in force, (as for certain they have not) then with humble submission, all the aforesaid clauses and matters contained in this bill, intituled, *An act to prevent the further growth of popery*, are directly against the plain words and true intent and meaning of the said articles, and a violation of the public faith, and the laws made for their performance; and what I therefore hope (said he) this honourable house will consider accordingly.”

Counsellor Malone and Sir Stephen Rice made discourses on the same side ; the latter, not as a counsel, but as a petitioner, likely to be aggrieved by the passing of the said act : But in the course of the reply to the arguments of those gentlemen, it was objected, that they had not demonstrated how and when (since the making of the articles of Limerick) the papists of Ireland had addressed the queen or government, when all other subjects were so doing, or had otherwise declared their fidelity and obedience to the queen.

It was (among other things) observed, that by a proviso at the latter end of the second of those articles, none was to have or enjoy the benefit thereof, that should refuse to take the oath of allegiance.

That any right which the papists pretended to be taken from them by the bill, was in their own power to remedy, by conforming ; as in prudence, they ought to do ; and that they ought not to blame any but themselves.

The next day the bill was ordered to be engrossed and sent to the lords.

The petitioners having applied to the lords also, for leave to be heard by their counsel against the bill, the same was granted ; and the same counsel, upon Monday, February 28th, appeared there, and offered such like arguments as they had made use of in the other house : They told their lordships, that it had been objected by the commons, that the passing that bill would not be a breach of the articles of Limerick, as had been suggested : because, the persons therein comprised were only to be put into the same state they were in the reign of Charles the Second, and because, that in that reign there was no law in force which hindered the passing any other law thought needful for the future safety of the government. That the commons had further said, that the passing this bill was needful at present, for the security of the kingdom ; and that there was not any thing in the articles of Limerick that prohibited their so doing.

It was admitted, on the part of the petitioners, that the legislative power cannot be confined from altering and making such laws as shall be thought necessary, for securing the quiet and safety of the government ; that in time of war or danger, or when there shall be just reason to suspect any ill designs to disturb the public peace, no articles or previous obligations, shall tie up the hands of the legislators from providing for its safety, or bind the government from disarming and securing any, who may be reasonably suspected of favouring or corresponding with its enemies, or to be otherwise guilty of ill practices : “ Or indeed to enact any other law,” said Sir Stephen Rice, “ that may be absolutely needful for the safety and advantage of the public ; such a law cannot be a breach either of these, or any other like articles. But then such laws, ought to be in general, and should not single out, or affect, any one particular part or party of the people, who gave no provocation to any such law, and whose conduct stood hitherto unimpeached, ever since the ratification of the aforesaid articles of Limerick.—To make any law that shall single any particular part of the people out from the rest, and take from them what, by right of birth, and all the preceding laws of the land had been confirmed to, and intailed upon them, will be an apparent violation of the original institution of all right, and an ill precedent to any that hereafter might dislike either the present or any other settlement, which should be in their power to alter ; the consequence of which is hard to imagine.”

The Lord Chancellor having summed up all that had been offered at the bar, the house proceeded thereupon; the bill was read through; and, to the great mortification of that unhappy party, was passed; and upon the 4th of March obtained the royal assent.

No. II.

*Declaration of the Catholic Nobility, Gentlemen, and Clergy,
May 6, 1798.*

“ DUBLIN, May 6, 1798.

“ To such of the deluded people, now in Rebellion against his Majesty’s Government, in this Kingdom, as profess the Roman Catholic religion.

“ THE undersigned Roman Catholics of Ireland feel themselves earnestly called on, to remonstrate with such of the deluded people of that persuasion, as are now engaged in open rebellion against his majesty’s government, on the wicked tendency and consequences of the conduct which they have embraced; they apprehend with equal horror and concern, that such deluded men, in addition to the crime committed against the allegiance which they owe to his majesty, have in some instances attempted to give their designs, a colour of zeal for the religion which they profess. The undersigned profess equally with them, the Roman catholic religion: some of them are bishops of that persuasion, others are heads of the leading families who profess that religion; and others are men of the same persuasion, who, by an honourable industry, have, under the constitution, now sought to be subverted, raised themselves to a situation, which affords them, in the most extensive sense, all the comforts of life. The undersigned of each description concur in entreating such of the deluded, who have taken up arms against the established government, or entered into engagements tending to that effect, to return to their allegiance; and by relinquishing the treasonable plans in which they are engaged, to entitle themselves to that mercy, which their lawful governors anxiously wish to extend to them; a contrary conduct will inevitably subject them to loss of life and property, and expose their families to ignominy and beggary; whilst at the same time it will throw on their religion, of which they profess to be the advocates, the most indelible stain: on this point, the unfortunately deluded will do well to consider whether the true interests and honour of the Roman Catholic Religion are likely to be most considered by the bishops of that persuasion; by the ancient families who profess that religion, and who have resisted every temptation to relinquish it; by men, who at once professing it, and submitting to the present constitution, have arrived at a state of affluence which gratifies every wish; or by a set of desperate and profligate men, availing themselves of the want of education and

“ experience in those, whom they seek to use as instruments for gratifying their own wicked and interested views. At all events, the undersigned feel themselves bound to rescue their names, and as far as in them lies, the religion which they profess, from the ignominy which each would incur, from an appearance of acquiescence in such criminal and irreligious conduct: and they hesitate not to declare, that the accomplishment of the views of the deluded of their persuasion, if effected, must be effected by the downfall of the clergy, of the ancient families and respectable commercial men of the Roman Catholic religion, the undersigned individuals of each of which description hereby publicly declare their determination to stand or fall with the present existing constitution.

“ FINGALL,
 “ GORMANSTOWN,
 “ SOUTHWELL,
 “ KENMARE,
 “ Sir EDWARD BELLEW, with 41 gentlemen and professors of divinity, together with the Rev. PETER FLOOD, D.D. president of the Royal College of St. Patrick Maynooth, for himself, the professors, and students of said college.”

No. III.

The Principles of Roman Catholics, from the Prayer Book which is in general use amongst the Catholics of Ireland, and which was published by Dr. Coppinger, Titular Bishop of Cloyne.

SECTION I.

1. THE fruition of God, and the remission of sin, are not attainable by man, otherwise than in and by the merits of Jesus Christ, who gratuitously purchased them for us.

2. These merits of Christ are not applied to us otherwise than by a right faith in him.

3. This faith is but one, entire and conformable to its object, which is divine revelation, and to which faith gives an undoubting assent.

4. This revelation contains many mysteries transcending the natural reach of human understanding. Wherefore,

5. It became the Divine Wisdom and Goodness to provide some way or means whereby man might arrive to the knowledge of these mysteries; means visible and apparent to all; means proportioned to the capacities of all; means sure and certain to all.

6. *This way or means is not the reading of the Scripture interpreted according to the private reason or judgment of each particular person or nation; but,*

7. *It is an attention and submission to the voice of the Catholic or universal Church established by Christ for the instruction of all; spread for that end through all nations, and visibly continued in the succession of pastors and people through all ages. From this Church, guided in truth, and secured from error in matters of faith, by the promised assistance of the Holy Ghost, every one may learn the right sense of the Scriptures, and such Christian mysteries and duties as are necessary to salvation.*

8. This Church, thus established, thus spread, thus continued, thus guided in one uniform faith, and subordination of government, is that which is termed *the Roman Catholic Church*; the qualities just mentioned, unity, indeficiency, visibility, succession and universality, being evidently applicable to her.

9. From the testimony and authority of this Church, it is that we receive the Scriptures, and believe them to be the word of God: and as she can assuredly tell us what particular book is the word of God, so can she with the like assurance, tell us also the true sense and meaning of it in controverted points of faith; the same spirit that wrote the Scriptures directs her to understand both them and all matters necessary to salvation. From these grounds it follows:

10. *Only truths revealed by Almighty God, and proposed by the Church, to be believed as such, are, and ought to be, esteemed articles of Catholic faith.*

11. As an obstinate separation from the unity of the Church, in known matters of faith, is heresy; so a wilful separation from the visible unity of the same Church, in matters of subordination and government, is schism.

12. The Church proposes unto us matters of faith, first and chiefly by the Holy Scripture, in points plain and intelligible in it;—secondly, by definitions of general councils, in points not sufficiently plain in Scripture;—thirdly, by apostolical traditions derived from Christ and his Apostles to all succeeding ages.

SECTION II.

1. *The pastors of the Church, who are the body representative, either dispersed or convened in council, have received no commission from Christ to frame new articles of faith, these being solely divine revelation; but only to explain and to ascertain to us what anciently was and is received and retained as of faith in the Church, when debates and controversies arise about them. These definitions in matters of faith only, and proposed as such, oblige all the Faithful to an interior assent. But,*

2. *It is no article of faith that the Church cannot err either in matters of fact, or in matters of speculation or civil policy, depending on mere human reason: these not being divine revelations deposited in the Catholic Church.*—Hence is reduced,

3. If a General Council, much less a Papal Consistory, should presume to depose a King, and to absolve his subjects from their allegiance, no Catholic could be bound to submit to such a decree.—Hence it follows, that,

4. The subjects of the King of England lawfully may, without the least breach of any Catholic principle, renounce, upon oath, the teaching or practising the doctrine of deposing Kings excommunicated for

heresy, by any authority whatsoever, as repugnant to the fundamental laws of the nation, as injurious to sovereign power, and as destructive to peace and government.

5. Catholics believe that the *Bishop of Rome*, successor to St. Peter, *is the head of the whole Catholic Church; in which sense this Church may therefore be stiled Roman Catholic*, because an universal body united under one visible head. Nevertheless,

6. It is no matter of faith to believe that the *Pope is in himself infallible*, separated from the Church, even in expounding the faith; by consequence, papal definitions or decrees, taken exclusively from a General Council, or universal acceptance of the Church, oblige none, under the pain of heresy, to an interior assent.

7. Nor do Catholics, as Catholics, believe that the Pope has any direct or indirect authority over the temporal power and jurisdiction of Princes. Hence, if the Pope should pretend to absolve or dispense with his Majesty's subjects from their allegiance, on account of heresy or schism, such dispensation would be vain and null, and all Catholic subjects, notwithstanding such dispensation or absolution, would be still bound in conscience to defend their King and country, at the hazard of their lives and fortunes (as far as Protestants would be bound) even against the Pope himself, should he invade the nation.

8. As for the *problematical disputes or errors of particular divines*, in this or any other matter whatsoever, we are in no wise responsible for them; nor are Catholics, as such, justly punishable on their account. But,

9. As for the King killing doctrine, or murder of Princes excommunicated for heresy, it is universally admitted in the Catholic Church, and expressly so declared in the Council of Constance, that such doctrine is impious and execrable, being contrary to the known laws of God and nature.

10. *Personal misdemeanors*, of what nature soever, *ought not to be imputed to the body of Catholics, when not justifiable by the tenets of their faith and doctrine*. For which reason, though the stories of the Irish cruelties, or powder-plot, had been exactly true, (which yet, for the most part, are notoriously mis-related) nevertheless Catholics, as such, ought not to suffer for such offences, any more than the eleven Apostles ought to have suffered for the treachery of Judas.

11. It is a fundamental truth in our religion, that no power on earth can license men to lie, to forswear or perjure themselves, to massacre their neighbours, or destroy their native country on pretence of promoting the Catholic Cause or religion. Furthermore, all pardons or dispensations, granted, or pretended to be granted, in order to any such ends or designs, could have no other validity or effect than to add sacrilege and blasphemy to the above mentioned crimes.

12. The doctrine of equivocation, or mental reservation, however wrongfully imputed to the Catholic religion, was never taught or approved by the Church as any part of her belief: on the contrary, simplicity and godly sincerity are constantly inculcated by her as truly Christian virtues, necessary to the conservation of justice, truth, and common security.

SECTION III.

1. Every Catholic believes that when a sinner repents of his sins, from the bottom of his heart, and acknowledges his transgressions to God and his ministers, the dispensers of the mysteries of Christ, resolving to turn

from his evil ways, and bring forth fruits worthy of repentance, there is then, and not otherwise, an authority left by Christ to absolve such a penitent sinner from his sins; which authority Christ gave to his Apostles and their successors, the Bishops and Priests of his Church, in those words, when he said, *Receive ye the Holy Ghost, whose sins you shall forgive, they are forgiven unto them.*

2. Though no creature whatsoever can make condign satisfaction, either for the guilt of sin or the pain eternal due to it, this satisfaction being proper to Christ our Saviour only, yet penitent sinners, redeemed by Christ, may, as members of Christ, in some measure satisfy by prayer, fasting, alms-deeds, and other works of piety, for temporal pain, which in the order of Divine Justice sometimes remains due, after the guilt of sin and pain eternal have been remitted. Such penitential works are, notwithstanding, no otherwise satisfactory, than as joined and applied to that satisfaction which Jesus made upon the Cross, in virtue of which all our good works find a grateful acceptance in the sight of God.

3. The guilt of sin, or pain eternal due to it, is never remitted by what Catholics call Indulgences; but only such temporal punishments as remain due after the guilt is remitted: *those indulgences being nothing else than a mitigation or relaxation of canonical penances*, enjoined by the pastors of the Church on penitent sinners, according to their several degrees of demerit. And if abuses and mistakes have been sometimes committed, either in point of granting or gaining indulgences through the remissness or ignorance of particular persons, contrary to the ancient custom and discipline of the Church, such abuses or mistakes cannot reasonably be charged on the Church, or rendered matters of derision, in prejudice to her faith and discipline.

4. Catholics hold there is a purgatory, that is to say, a place or state where souls departing this life, with remission of their sins as to the eternal guilt or pain, but yet obnoxious to some temporal punishment still remaining due, or not perfectly freed from the blemish of some defects or deordinations, are purged before their admittance into heaven, where nothing that is defiled can enter,

5. Catholics also hold, that such souls so detained in purgatory, being the living members of Jesus Christ, are relieved by the prayers and suffrages of their fellow-members here on earth: but where this place is, or of what nature or quality the pains are, how long souls may be there detained, in what manner the suffrages made in their behalf are applied, whether by way of satisfaction or intercession, &c. are questions superfluous, and impertinent, as to faith.

6. No man, though just, can merit either an increase of sanctity in this life, or eternal glory in the next, independently on the merits and passion of Christ Jesus; but the good works of a just man proceeding from grace and charity, are so far acceptable to God, as to be through his goodness and sacred promises, truly meritorious of eternal life.

7. It is an article of the Catholic faith, that in the most holy Sacrament of the Eucharist, there is truly and really contained the body of Christ, which was delivered for us, and his blood which was shed for the remission of sins: the substance of bread and wine being, by the power of Christ, changed into the substance of his blessed body and blood, the species or appearances of bread and wine still remaining.—But,

8. Christ is not present in this sacrament according to his natural way of existence, that is, with extension of parts, &c. but in a supernatural manner, one and the same in many places, his presence there—

fore is real and substantial, but sacramental, not exposed to the external senses, or obnoxious to corpora! contingencies.

9. Neither is the body of Christ in this holy sacrament separated from his blood, or his blood from his body, or either of them disunited from his soul and divinity, but all and whole living Jesus is entirely contained under each species; so that whosoever receives under one kind is truly partaker of the whole sacrament, and no wise deprived either of the body or blood of Christ. True it is,

10. Our Saviour Jesus Christ left unto us his body and blood under two distinct species or kinds; in doing of which, he instituted not only a sacrament, but also a sacrifice, a commemorative sacrifice distinctly shewing his death and bloody passion until he come; for as the sacrifice of the Cross was performed by a distinct effusion of blood, so is that sacrifice commemorated in that of the altar, by a distinction of the symbols. Jesus therefore is here given not only to us, but for us, and the Church is thereby enriched with a true, proper, and propitiatory sacrifice usually termed the Mass.

11. *Catholics renounce all divine worship and adoration of images or pictures. God alone we worship and adore*; nevertheless we place pictures in Churches to reduce our wandering thoughts, and enliven our memories towards heavenly things. Further, we allow a certain honour to be shewn to the images of Christ and his saints, beyond what is due to every profane figure; not that we believe any divinity or virtue to reside in them, for which they ought to be honoured, but because the honour given to pictures is referred to the prototype or thing represented. In like manner,

12. There is a kind of honour and respect due to the Bible, to the Cross, to the name of Jesus, to Churches, to the Sacraments, &c. as things peculiarly appertaining to God, also to the glorious Saints in heaven, as the friends of God, and to Kings, Magistrates, and Superiors on earth; to whom honour is due, honour may be given, without any derogation to the majesty of God, or that divine worship which is appropriate to him.—Moreover,

13. Catholics believe that the blessed Saints in heaven, replenished with charity, pray for us their fellow-members here on earth; that they rejoice at our conversion; that, seeing God, they see and know him in all things suitable to their happy state: but God may be inclined to hear their requests made in our behalf, and for their sakes may grant us many favours; therefore we believe it is good and profitable to desire their intercession; and that this manner of invocation is no more injurious to Christ our Mediator, than it is for one Christian to beg the prayers of another in this world. Notwithstanding which, Catholics are not taught so to rely on the prayers of others, as to neglect their own duty to God; in imploring his divine mercy and goodness; in mortifying the deeds of the flesh; in despising the world; in loving and serving God and their neighbour; in following the footsteps of Christ our Lord, who is the way, the truth, and the life, to whom be honour and glory for ever and ever. Amen.

No. IV.

Copy of the Convention between the French Government and his Holiness the Pope, Pius VII.

Ratified the 23d Fructidor, Year 9, (10th September, 1801.)

THE Chief Consul of the French Republic, and his Holiness the Sovereign Pontiff, Pius the VII. have named as their respective plenipotentiaries,

The Chief Consul, the Citizens Joseph Bonaparte, Counsellor of State; Cretet, Counsellor of State; and Bernier, Doctor of Divinity, Curate of St. Laud d'Angers; furnished with full powers:

His Holiness, his Eminence Monseigneur Hercule Consalvi, Cardinal of the Holy Roman Church, Deacon of St. Agathe *ad Suburram*, his Secretary of State; Joseph Spina, Archbishop of Corinth, Domestic Prelate to his Holiness, Attendant on the Pontifical Throne; and Father Caselli, his Holiness's Adviser on points of Theology; in like manner furnished with full powers in due form:

Who, after exchanging their full powers, have concluded the following Convention:

Convention between the French Government and his Holiness the Pope, Pius VII.

THE Government of the Republic acknowledges that the Catholic, Apostolical, and Roman Religion, is the religion of the great majority of French citizens.

His Holiness in like manner, acknowledges that this same religion has derived, and is likely to derive, the greatest benefit and the greatest splendor from the establishment of the Catholic worship in France, and from its being openly professed by the Consuls of the Republic.

This mutual acknowledgement being made, in consequence, as well for the good of religion, as for the maintenance of interior tranquillity, they have agreed as follows:

Article I. The Catholic, Apostolical, and Roman religion shall be freely exercised in France. *Its service shall be publicly performed, conformably to the regulations of police which the government shall judge necessary for the public tranquillity.*

II. There shall be made by the Holy See, in concert with the government, a new division of French dioceses.

III. His Holiness shall declare to the titular French bishops that he expects from them, with the firmest confidence, every sacrifice for the sake of peace and unity—even that of their sees.

After this exhortation, if they should refuse the sacrifice commanded for the good of the church, (a refusal, nevertheless, which his Holiness by no means expects), *the sees of the new division shall be governed by bishops appointed as follows:*

IV. *Within three months after the publication of his Holiness's bull, the Chief Consul shall present to the archbishops and bishops of the new*

division. His Holiness shall confer canonical institution, according to the forms established for France before the revolution (avant le changement de government).

V. *The nomination to the bishoprics which become vacant in future shall likewise belong to the Chief Consul, and canonical institution shall be administered by the Holy See, conformably to the preceding article.*

VI. The bishops, before they enter upon their functions, shall take, before the Chief Consul, the oath of fidelity which was in use before the revolution, expressed in the following words :

“I swear and promise to God, upon the Holy Evangelists, to preserve obedience and fidelity to the government established by the constitution of the French Republic. I likewise promise to carry on no correspondence, to be present at no conversation, to form no connection, whether within the territories of the republic or without, which may, in any degree, disturb the public tranquillity: and if, in my diocese or elsewhere, I discover that any thing is going forward to the prejudice of the state, I will immediately communicate to Government all the information I possess.”

VII. Ecclesiastics of the second order shall take the same oath before the civil authorities appointed by the government.

VIII. The following formula of prayer shall be recited at the end of divine service in all the Catholic churches of France.

Domine, salvam fac Rempublicam,
Domine, salvos fac Consules.

IX. The bishops shall make a new division of the parishes in their dioceses; which, however, shall not take effect till after it is ratified by government.

X. The bishops shall have the appointment of the parish priests.

Their choice shall not fall but on persons approved by Government.

XI. The bishops may have a chapter in their cathedral, and a seminary for the diocese, without the government being obliged to endow them.

XII. All the metropolitan, cathedral, parochial, and other churches which have not been alienated, necessary to public worship, shall be placed at the disposal of the bishops.

XIII. His Holiness, for the sake of peace and the happy re-establishment of the Catholic religion, declares, that neither he nor his successors will disturb in any manner those who have acquired the alienated property of the church; and that in consequence, that property, and every part of it, shall belong for ever to them, their heirs and assigns.

XIV. The government shall grant a suitable salary to bishops and parish priests, whose dioceses and parishes are comprised in the new division.

XV. The government shall likewise take measures to enable French Catholics, who are so inclined, to dispose of their property for the support of religion.

XVI. His Holiness recognises in the Chief Consul of the French republic the same rights and prerogatives in religious matters which the ancient government enjoyed.

XVII. It is agreed between the contracting parties, that in case any of the successors of the present Chief Consul should not be a Roman Catholic, the rights and prerogatives mentioned in the foregoing articles, as well as the nomination to the bishops' sees, shall be regulated, with regard to him, by a new convention.

The ratifications shall be exchanged at Paris in the space of forty days.

Done at Paris, the 26th Messidor, year 9 of the French republic.

(Signed)

JOSEPH BONAPARTE.
HERCULES, Cardinalis Consalvi.
JOSEPH, Archiep. Corinthi.
BERNIER.
F. CAROLUS CASELLI.

Note A.

"SOME officers of the garrison urged Lord Lucan and Lord Gallmoy, the commanders of the Irish army, to break off the treaty, alledging that they could now raise the siege, which would give such spirits to the Catholics and so depress the besiegers, that they might yet recover Ireland; and the more so as they were certain of more aid from France. What was the reply of Lords Lucan and Gallmoy? They said they considered themselves pledged in honour to deliver up Limerick and Ireland to the Protestants; and they did so, depending on their faith and truth to preserve inviolate the rights of the Catholics under the articles." *Mr. Keogh's Speech at the Catholic Meeting, Oct. 31, 1792.*

Note B.

A Letter from Dr. BUTLER, Titular Archbishop of Cashel, to Lord KENMARE.

Thurles, December 27, 1786.

My dear and honoured Lord,

I AM not a little impatient to impart to your Lordship my thoughts on a late publication, entitled, "*The present State of the Church of Ireland.*" It is written by Doctor Woodward, Bishop of Cloyne; and, in the short space of twelve days, has already passed through four editions. Whoever has seen the Address to the Nobility and Gentry of the Protestant Church, and reads this Second Pamphlet, cannot but look upon them as both designed to undo all that has been done in favour of Roman Catholics; as they tend to undermine the primary title the Roman Catholics had to the protection of government and the confidence of their fellow-subjects. The unjust and false strictures his Lordship makes on the sincerity of the oaths of the Roman Catholic Bishops, concur to effect this in the minds of those who can or will be imposed on by what his Lordship so

confidently asserts. For certainly, if the oaths of Roman Catholic Prelates can no more be depended on, all claim to a legal existence for us in the state ceases. We are all designing and most dangerous enemies: like the viper in the fable, we only sought the warmth of protection to gnaw the bosom which gave the reviving heat. His Lordship, to establish and enforce what he advances with regard to our oaths, by some new argument which, from not having been used before, had never been blunted by the shield of truth, brings forth *a letter of a Monsignor Ghilini, Nuncio at Brussels, written in the year 1768, from amidst the dust of oblivion, where it would otherwise have, as it deserved, remained till doomsday; notwithstanding the most strangely misapplied encomiums bestowed on it by Doctor Bourke: encomiums, which I know, from the letters the said Nuncio wrote to me, before I left the Continent, expressive of his own alarmed feelings, after cool reflection, on the impropriety and indiscretion of said letter, he would have willingly spared the Doctor. Nothing to be sure, but an enthusiastic partiality for scholastic opinions, which Doctor Bourke, perhaps, had formerly, when professor, defended, (as some Ultramontanists have done, to their reproach and the discredit of religion, with as much warmth of debate as if those opinions had been acknowledged Articles of Faith, which they were supporting against unbelievers) can any way extenuate Doctor Bourke's imprudence, to call it by no harsher name, in publishing such a letter. The Doctor should have reflected, that the opinions alluded to by the Nuncio, however unnoticed they may be suffered to pass in a country like Italy, where the Sovereign and all the subjects are of the Roman Catholic Religion, they cannot be considered in the same light in this kingdom, whereof the King and principal subjects are Protestants, and two thirds, at least, of the inhabitants are of our communion. Here such opinions, if maintained, could not but be prejudicial, by alarming the Sovereign, and becoming a constant source of jealousy and dissension betwixt fellow-subjects.—This, I recall to mind, was what I alledged to Cardinal Marefuchi, who was at the time the oath was proposed, our Cardinal Protector, (that is, as your Lordship knows, the Cardinal entrusted by his Holiness with the superintendence of our ecclesiastical affairs in Ireland,) as a reason why the Roman Catholic Bishops thought themselves called upon to declare, in the public manner they did, that they found nothing in the test of allegiance, held out by the legislature to the Roman Catholics of Ireland, contrary to the principles of the Roman Catholic Faith: and, therefore, that the opinions disclaimed by that oath never made part of our creed. The Cardinal, in his answer, expressed the fullest approbation of my sentiments; which approbation of his Eminence was afterwards confirmed by the Pope and the Congregation de Propaganda Fide, approving also of the said test of allegiance: of all which approbations I have authentic vouchers by me; the very letters written on the occasion to and from the Sacred Congregation. I shewed these letters to Lord Pery, when he was Speaker of the House of Commons, at Sir Robert Staples's, and I shewed him again, in Dublin, another letter which I received from the same Congregation, two years after, expressive of their Eminencies' thanks for my diligence in fulfilling what I owed to my station and religion, since the time I came into the kingdom. Now, my dear Lord, I hope I may venture to say, without risking the imputation of vanity or falshood, that I was most particularly warm and active in promoting the taking of the 'Test Oath', after I had publicly approved of it at the head of my Suffra-*

* Reg. 13. 14. G. 3. c. 3.

gans, in the year 1775; an æra which I always called to mind with new-felt pleasure; and consequently, the approbation of my conduct, *during all that time*, was of itself, had I no other proofs of the Congregation's having approved the Test, tantamount to an approbation. Lord Pery, when I shewed him that letter of the Congregation acknowledged it was: so did his Grace the Primate, when I had the honour, on being introduced to him by your Lordship, to mention it to him.

But that nothing might be wanting, in our power, to consign the letter of the Nuncio to eternal oblivion, and that no one of our people might be ever affected by it, We, (I mean the Roman Catholic Prelates of Munster) in a meeting we held at Thurles, soon after the one near Cork, in 1775, passed our *decided censure* upon the Hibernia Dominicana and its Supplement: which censure We, indeed, at first, signified only to our clergy; not thinking it prudent to make known to the people a work of the stamp of the Hibernia Dominicana; which, from its being written in Latin, and bearing a title which was not likely to attract the attention of those who understood that language, would, as I said before, in all probability have remained for ever unknown to them. Our censure was well known at Rome, without being considered there, in the smallest degree, obnoxious to the Holy See. The original, subscribed to by the Bishops, I providentially kept by me; not knowing but the time might come, when some one or other would, through ignorance or false zeal, profit of a discovery of the Nuncio's letter, and make use of it as a proper weapon to give what he might think the deadly blow to all our fond hopes of protection and confidence from government and our fellow-subjects. My apprehension of such an event, your Lordship sees by Doctor Woodward's work, was not groundless. At the same time had I not such a formal and avowed condemnation to produce, the letters from the Sacred Congregation and the Roman Catholic Bishops of the whole kingdom after the most mature deliberation, approving the Test, whereby they solemnly declared, in the face of the whole world, their disbelief and abhorrence of the *opinions* alluded to by the Nuncio, was more than sufficient to obviate the ill grounded insinuations his Lordship of Cloyne has held forth.

As a public and formal answer will, I hope, be given to his Lordship of Cloyne's strictures I'll leave to the writer thereof (that I may not spin out this letter to an unnecessary length) to enlarge more fully on what I here only sketch out. For a public answer must be given. — The consciousness of our *inviolable attachment* to our oaths of allegiance; our lively sense of what we owe to our sacred characters; our *sincere* wish to promote and preserve that *long desired* mutual confidence, which had happily begun to warm and link in social union the minds or persons of different persuasions, call on us to repel, in the most earnest and public manner, any attempt to undermine what cannot but be most precious to us.

The author of the public reply to his Lordship's strictures will not fail, I am confident, to paint in the most pathetic manner what our feelings must be, on seeing ourselves traduced as we are to the public; and that by the very Bishop to the neighbourhood of whose diocese I and my Suffragans, the Roman Catholic Prelates of Munster, had speedily repaired, to oppose, *as far as in us lay*, with our united efforts, in the morning of these troubles, the unwarrantable attempts made against ecclesiastical authority. His Lordship may be also more clearly informed by him of the nature of a Nuncio's commission, with regard to the Roman Catholics of this kingdom: his Lordship will find it quite different

from what he represents it; and that so far are a Nuncio's sentiments from being looked upon as decisions of the Church, that Roman Catholic Bishops have dissented, and may dissent from the Roman Legate, without apprehension of guilt in all that does not affect the established principles of faith and christian morality. In the letter alluded to, your Lordship cannot but have observed the Nuncio gives only *his own notions*; which, strange as they appear, can be easily accounted for, in one, who being educated in the Pope's dominions, and being his public Ambassador, may, from *too warm* a desire of aggrandizing the temporal power of his Sovereign, extend too far the prerogatives of his spiritual jurisdiction.

As to the oath taken by the Roman Catholic Bishops at their consecration, and printed in the Roman Pontifical, which Doctor Woodward brings forth as an *auxiliary* proof how little our oaths of allegiance are to be depended on, I shall just observe, that his Lordship has entirely misconceived both the intention and words of the oath. A little reflection would have made his Lordship sensible, that said oath is *by no means inconsistent* with the subject's allegiance to his *Prince*; that Sovereigns as jealous and tenacious of their rights as Sovereigns can be, permit said oath to be taken by the Roman Catholic Bishops in their dominions: which they evidently never would consent to, but would, on the contrary, strenuously oppose, if they could think it infringed in the least on their rights, or paved the way to *papal encroachments*. It is well known *this very oath*, of which Doctor Woodward speaks, is taken by all the Bishops consecrated in France, Germany, Spain, and in all the different kingdoms and republics on the Continent.—The Bishops of the republic of Venice *all* take it. Fra. Paoli himself, in his warm Defence of the Rights of the Venetian Republic against the claims of the Court of Rome, (a work Doctor Woodward cannot be a stranger to,) never points out to that jealous Senate the oaths taken by Roman Catholic Bishops at their consecration, as affording a ground to suspect their fealty to the state. This oath was even taken in Holland, under the eyes of the States themselves, by the Pope's Vicar Apostolic for that country, who must generally be a Bishop, and consequently conform to the Rubrics of the Pontifical, which he does without becoming obnoxious to the Dutch. The King of Prussia apprehends no danger from it to his dominions, though he knows full well the Bishops of Silesia, of whose loyal sentiments he is more particularly interested in being secure, take also said oath at their consecration. Nay, the King of Great Britain, our most gracious Sovereign, whom may the Almighty long preserve, is no way alarmed at having a Roman Catholic Bishop in Canada; being *fully* assured that a Roman Catholic Bishop in Canada will be as earnest to oppose all papal encroachments as his confreres in England were in opposing, (according even to his Lordship of Cloyne's acknowledgment, page 48,) in the earlier days of the British empire, those of the Sovereign Pontiffs. For every discerning person cannot but know, on the least reflection, that none of us, to make use of the *very* words of the great *Bossuet*, *Bishop of Meaux*, ever engage ourselves by this oath to any thing that is contrary to our conscience, or the service of our King and country: far from thinking we prejudice *any* of these, it is even expressed in the oath, that we take it without prejudice to our state, *salvo meo ordine*. The submission which is sworn to the Pope in spirituals, is of a different order from what we naturally owe our Prince in temporals, and without protesting, we have always well understood, that one does not interfere with the other.—So far that learned and judicious Prelate.

Your Lordship will find these very words of Bossuet in the beginning of the first chapter of the 7th book of the Variations:—they clearly account for said oath's being so universally taken by all Roman Catholic Bishops in both catholic and protestant states. The SALVO MEO ORDINE removes all fear of the oath's injuring the allegiance due to other princes. The oath itself at the beginning was only taken by the Bishops of the Pope's ecclesiastical territories, who from being subjects of the Pope, as a temporal Sovereign, swear fealty to him both in spirituals and temporals, which is not the case with Bishops, who do not belong to the Pope's dominions; and hence, when a desire of conformity with the Bishops that are immediately subject to the Pope, made it, by degrees, customary for the Roman Catholic Bishops throughout the whole world to take the said oath at their consecration, they all took care to profess *plainly and publicly*, by the clause SALVO MEO ORDINE, that they did not bind themselves down to any thing in said oath but in as far as it was compatible with the situation of every Bishop under their respective Sovereigns, and the duty he essentially owes to them. The oath is almost of 800 years date; time, surely, sufficient for every Sovereign to know the meaning of it.

The words of the oath, *Hereticos persequar et impugnabo*, which his Lordship of Cloyne represents as *so alarming* to the Protestant interest, far from meaning what his Lordship seems to think, imply nothing more than the obligation every Bishop takes upon himself, to be ever earnest in opposing and refuting by the spiritual weapons of the Gospel, all broachers of doctrines contrary to its principles.

These, My Dear Lord, are the thoughts which occurred to me on reading that part of Doctor Woodward's work, which attacks the conscientious sincerity of Roman Catholic Bishops. Thoughts, which I was most anxious to communicate to a Nobleman of my own religion, whose zealous and successful exertions in suppressing the disturbances in the county of Kerry, have met with the deserved applause of Government and of the Clergy of both communions. On that account, I look up to your Lordship, as the best entitled to avail yourself with every advantage of the facts I have mentioned, in order to prevent or efface the very unfavourable impressions Doctor Woodward's strictures on us may make, or have made, on the public, by misrepresenting the Nuncio's letter as a decision of our Church, and the oath Bishops take at their consecration, as incompatible with our allegiance.

I have the honour to be,

With the sincerest attachment and esteem,

My Dear Lord,

Your Lordship's most obedient servant,

and affectionate kinsman,

JAMES BUTLER.

Note C.

BESIDES the various instances which have been stated of the disposition of the Protestants in various parts of Ireland to act with liberality towards the Catholics, the following have occurred within the last twelve months.—Resolutions have been published by the Grand Juries of the counties of Kilkenny and Galway in favour of emancipation.—The Protestant inhabitants of Newry at a public meeting convened by the Seneschal agreed to a declaration expressing their wish to have every thing conceded to them, provided they would consent to permit the King to nominate their Bishops.—The principal Nobility and Gentry of the counties of Tipperary, Meath and Waterford, have published declarations of their sentiments in favour of emancipation.—At general meetings of the Freeholders of the counties of Galway, Roscommon and Sligo, unanimous resolutions have been agreed to approving of that measure.—Thirty Orange Lodges in the North of Ireland published an exposition of their principles last July, wherein they stated that the object of their institution was to resist republicanism, and not religious considerations.—They likewise declared their intention not again to celebrate the Battle of the Boyne.

